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No. 52]

NEW DELHI, SATURDAY, DECEMBER 28, 1991/PAUSA 7, 1913

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

आदेश

नई दिल्ली, 9 दिसम्बर, 1991

का. आ. 3135—केन्द्रीय सरकार, दिल्ली विशेष पुलिस
स्थापन अधिनियम, 1946 (1946 का अधिनियम सं.
25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1)
द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, त्रिपुरा राज्य
सरकार की सहमति में, [दक्षिण त्रिपुरा सरकार, गृह विभाग
की अधिसूचना संख्या एफ 39 (28) - पी डी/91 तारीख
29 नवम्बर, 1991 द्वारा] भारतीय दण्ड संहिता 1860
(1860 का अधिनियम सं. 45) की धारा 302/326/
148/149 के अधीन और आयुध अधिनियम, 1959 की
धारा 27 के अधीन दण्डनीय अपराधों के अन्वेषण के लिए

जो हत्या करने, खतरनाक शस्त्रों द्वारा स्वेच्छिक रूप से घोर
उपहृति करने, विधि विरुद्ध जमाव के सदस्यों द्वारा घातक
शस्त्रों से बलवा करने तथा उनका विधि विरुद्ध प्रयोजन के
आशय से आयुधों और गोला बारूद को कब्जे में रखने के
लिए हो और किन्हीं अन्य अपराधों के लिए चाहे जो भी
हों, जो श्री श्याम हरी शर्मा की हत्या तथा श्री ब्रजेश चक्रवर्ती
तथा राखाल चक्रवर्ती आदि को 13-11-91 को अगस्तला
में स्वेच्छिक रूप से की गई घोर उपहृति की बाबत पूर्वी
अगस्तला पुलिस थाना मामला सं. 12 (11) 91
के संबंध में उन्हीं तथ्यों में उत्पन्न होने वाले वैसे ही संव्य-
वहार के अनुक्रम में किए गए अपराधों के संबंध में दिल्ली
विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधि-
कारिता का विस्तार संपूर्ण त्रिपुरा राज्य पर करनी है।

[संख्या 228/56/91-ए. डी. डी.-II]

ए. सी. शर्मा, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel & Training)

ORDER

New Delhi, the 9th December, 1991

S.O. 3135.—In exercise of the powers conferred by Sub-Section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Tripura (vide Government of Tripura Home Department Notification No. F-39(28)-PD-91 dated 29th November, 1991) hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Tripura for investigation of the offences punishable under Sections 302/325/148/149 of the Indian Penal Code 1860 (Act No. 45 of 1860) and under Section 27 of the Arms Act, 1959, for commission of murder voluntarily causing grievous hurt by dangerous weapons, rioting with deadly weapons by member of unlawful assembly and also for possessing arms and ammunition with intent to use the same for unlawful purpose and any other offences, whatsoever, committed in course of the same transaction arising out of the same facts in regard to East Agartala P.S. Case No. 12(11)90 relating to murder of Shri Shyamhari Sharma and voluntarily causing grievous hurt by deadly weapons to Shri Brajesh Chakraborty and Shri Rakhal Chakraborty etc. at Agartala on 13-11-1991.

[No. 228/56 91-AVD.II]

A. C. SHARMA, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 19 नवम्बर, 1991

आयकर

का. आ. 3136—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80G की उपधारा (2) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री मागारा नेदुंकुझाकाधर टेम्पल" को उक्त धारा के प्रयोजनार्थ समूचे तमिलनाडु राज्य में क्वालिफाईड एक सार्वजनिक पूजास्थल के रूप में अधिसूचित करती है।

[सं. 8499/फा.सं. 176/20/91—आयकर नि. -1]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 19th November, 1991

(INCOME-TAX)

S.O. 3136.—In exercise of the powers conferred by clause (b) of sub-section (2) of Section 80G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri Magara Nedunkuzhaikathar Temple" to be a place of public worship of renown throughout the state of Tamilnadu for the purpose of the said section.

[No. 8944/F. No. 176/20/91-IT.A.I.]

(आयकर)

का. आ. 3137—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री तारालाबालु जगदगुरु ब्रिहन्मथ, श्रीगेरे, कर्नाटक" को 1990-91 से 1992-93 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उप-खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् —

(i) कर-निर्धारणीय आय का हरेमाल अथवा डगकी आय का हरेमाल करने के लिए इसका संचयन पूर्णतया तथा अत्यन्तया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;

(ii) कर निर्धारणीय आय पर उल्लिखित कर-निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक हंग अथवा तरीकों में भिन्न तरीकों में इसकी निधि (जेवर-जवाहिरात फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में खैचिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार में प्राप्त लाभ तथा अभिमान के रूप में हो जब तक कि ऐसा कारोबार उक्त कर निर्धारणीय के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग में लेखा-पुस्तिकाएँ नहीं रखी जाती हों।

[सं. 8943/फा.सं. 197/23/91—आयकर नि. -1]

(INCOME-TAX)

S.O. 3137.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri Taralabalu Jagadguru Brihanmath, Sirigeare, Karnataka" for the purpose of the said sub-clause for the assessment years 1990-91 to 1992-93 subject to the following conditions, namely :—

- the assessee will apply its income, or accumulate it for application, wholly and exclusively to the objects for which it is established;
- the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[No. 8943/F. No. 197/23/91-IT.A.I.]

नई दिल्ली, 25 नवम्बर, 1991

(आयकर)

का. आ. 3138—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "उडीसा क्रिकेट एसोसिएशन, कटक" को 1991-92 से 1993-94 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् —

(i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन इस प्रकार के संचयन हेतु उक्त खंड (23) द्वारा यथा-संशोधित धारा 11 की उपधारा (2) तथा (3) के उपबंधों के अनुरूप पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है :

(ii) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि [जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, जिसे उपर्युक्त खंड (23) के तीसरे परन्तुक के अधीन बोनस द्वारा अधिसूचित किया जाए, के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न] का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा :

(iii) कर निर्धारिती अपने सदस्यों को किसी भी तरीके से अपनी आय के किसी भाग का संचितरण अपने से संबद्ध किसी एसोसिएशन अथवा संस्था को अनुदान के अलावा नहीं करेगा ; और

(iv) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हों जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

अधिसूचना सं. 8945/फा सं. 196/8/91 - आयकर नि-1]

New Delhi, the 25th November, 1991

(INCOME-TAX)

S.O. 3138.—In exercise of the powers conferred by clause (23) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Orissa Cricket Association, Cuttack" for the purpose of the said clause for the assessment years 1991-92 to 1993-94 subject to the following conditions, namely :—

(i) the assessee will apply its income, or accumulate it for application, in consonance with the provisions of sub-section (2) and (3) of section 11 as modified by the said clause (23) for such accumulation, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions, received and maintained in the form of jewellery, furniture, or any other article as may be notified by the Board under the third proviso to the aforesaid clause (23) for any period during the previous year(s) relevant to the assessment year(s) mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;

(iii) the assessee will not distribute any part of income in any manner to its members except as grants to any association or institution affiliated to it; and

(iv) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainment of the objective of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 8945/F. No. 196/8/91-IT.A.I.]

(आयकर :)

का.आ. 3139.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करन हुए, केन्द्रीय सरकार एतद्वारा "गुजरात क्रिकेट एसोसिएशन, अहमदाबाद" को 1990-91 से 1992-93 तक के कर-निर्धारण वर्षों के लिए निम्न-लिखित शर्तों के अध्वधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

(i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन इस प्रकार के संचयन हेतु उक्त खंड (23) द्वारा यथा-संशोधित धारा 11 की उपधारा (2) तथा (3) के उपबंधों के अनुरूप पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है :

(ii) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि [जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, जिसे उपर्युक्त खंड (23) के तीसरे परन्तुक के अधीन बोनस द्वारा अधिसूचित किया जाए, के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न] का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

(iii) कर-निर्धारिती अपने सदस्यों को किसी भी तरीके से अपनी आय के किसी भाग का संचितरण अपने से संबद्ध किसी एसोसिएशन अथवा संस्था को अनुदान के अलावा नहीं करेगा ; और

(iv) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हों जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना संख्या 8946/फा सं. 196/9/91-आयकर नि-1]

(INCOME-TAX)

S.O. 3139.—In exercise of the powers conferred by clause (23) of Section 10 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies the "Orissa Cricket Association, Ahmedabad" for the purpose of the said clause for

the assessment years 1990-91 to 1992-93 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate it for application, in consonance with the provisions of sub-section (2) and (3) of section 11 as modified by the said clause (23) for such accumulation, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions, received and maintained in the form of jewellery, furniture, or any other article as may be notified by the Board under the third proviso to the aforesaid clause (23) for any period during the previous year(s) relevant to the assessment year(s) mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) the assessee will not distribute any part of income in any manner to its members except as grants to any association or institution affiliated to it; and
- (iv) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainment of the objective of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 8946/F. No. 196/9/91-IT.A.I.]

(आयकर)

का.आ. 3140.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "हरियाणा क्रिकेट एसोसिएशन, भिवानी" को 1992-93 से 1994-95 तक के कर-निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिणी उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन इस प्रकार के संचयन हेतु उक्त खंड (23) द्वारा यथा-संशोधित धारा 11 की उपधारा (2) तथा (3) के उपबंधों के अनुरूप पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिणी उपर उल्लिखित कर-निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक वृत्त अथवा तरीकों से भिन्न तरीकों में उसकी निधि [जेंवर, जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, जिसे उपर्युक्त खंड (23) के तीसरे परन्तुक के अधीन बोर्ड द्वारा अधिसूचित किया जाए, के रूप में प्राप्त तथा रख-रखाव में खैचिठक धंशदान से भिन्न] का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) कर-निर्धारिणी अपने सदस्यों को किसी भी तरीके से अपनी आय के किसी भी भाग का संवितरण अपने में संश्लेष किसी एसोसिएशन अथवा संस्था को अनुदान के अलावा नहीं करेगा ; और

- (iv) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिणी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 8947/का. सं. 196/13/91-आयकर नि.-1]

एस. के. चटर्जी,
विशेष कार्य अधिकारी

(INCOME-TAX)

S.O. 3140.—In exercise of the powers conferred by clause (23) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Orissa Cricket Association, Cuttack" for the purpose of the said clause for the assessment years 1991-92 to 1994-95 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate it for application, in consonance with the provisions of sub-section (2) and (3) of section 11 as modified by the said clause (23) for such accumulation, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions, received and maintained in the form of jewellery, furniture, or any other article as may be notified by the Board under the third proviso to the aforesaid clause (23) for any period during the previous year(s) relevant to the assessment year(s) mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) the assessee will not distribute any part of income in any manner to its members except as grants to any association or institution affiliated to it; and
- (iv) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[No. Notification No. 8947/F. No. 196/13/91-IT.A.I.]
S. K. CHATTERJEE, Officer on Spl. Duty

आदेश

नई दिल्ली, 27 नवम्बर, 1991

स्टाम्प

का. आ. 3141.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा इंडियन ह्यूम पाईप कम्पनी लि., बम्बई, को पचहत्तर हजार रुपये मात्र के उस समेकित स्टाम्प शुल्क का भुगतान करने की अनुमति प्रदान करती है जो उक्त कम्पनी द्वारा जारी किए जाने वाले एक करोड़ रुपये मात्र के कुल मूल्य के 200/- 200/- रुपये के अंकित मूल्य के 1 से 50,000 तक की क्रमिक संख्या वाले 13.5 % मुद्रित विमोच्य परिवर्तनीय ऋणपत्रों पर स्टाम्प शुल्क के कारण प्रभावी है ।

[सं. 45/19-स्टाम्प फा. सं. 33/35/91-वि. कर]

ORDER

New Delhi, the 27th November, 1991

STAMPS

S.O. 3141.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the Indian Hume Pipe Company Limited, Bombay, to pay consolidated stamp duty of rupees seventy five thousand only, chargeable on account of the stamp duty on 13.5% Secured Redeemable Convertible Debentures bearing serial numbers 1 to 50,000 of the face value of rupees two hundred each of the aggregate value of rupees one crore only to be issued by the said company.

[No. 45/19[F. No. 33/45/91-ST]

आदेश

नई दिल्ली, 10 दिसम्बर, 1991

स्टाम्प

का.आ. 3142.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एन.एच.बी. उम शुल्क को माफ करती है जो नेशनल हाउसिंग बैंक द्वारा जारी किये जाने वाले उसके एक सौ करोड़ रुपये मात्र के "एन.एच.बी. 9% कैपिटल बाण्ड" के रूप में वर्णित प्रामिसरी नोटों के रूप में बंधपत्रों पर उक्त नियम के अन्तर्गत प्रभावी है।

[सं. 46/91-स्टाम्प-फा. सं. 33/55/90-बि. क.]

ठाकुर दत्त, उप सचिव

ORDER

New Delhi, the 10th December, 1991

STAMPS

S.O. 3142.—In exercise of the powers conferred by clause (a) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of promissory notes—"N.H.B. 9% Capital Bonds" of the value of rupees one hundred crores only to be issued by National Housing Bank are chargeable under the said Act.

[No. 46/91-Stamps][F. No. 33/55/90-ST]

THAKUR DATT, Dy. Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

आदेश

नई दिल्ली, 3 दिसम्बर, 1991

का. आ. 3143—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 8 के उप-खण्ड (1क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एन.एच.बी. इलाहाबाद बैंक के कार्यपालक निदेशक, श्री एस. एम. त्रिपाठी का कार्यकाल उस तारीख से समाप्त करती है जिस तारीख को उन्हें यह नोटिस तामील करवाया जाता है और यह निदेश देती है कि उन्हें नोटिस की अवधि के बदले तीन

महीने की अवधि के वेतन और ग्राह्य भत्तों के बराबर राशि अदा की जाएगी। लेकिन, भत्तों की अदायगी उन शर्तों के अधीन की जाएगी जिनके अन्तर्गत ऐसे भत्ते अन्यथा ग्राह्य हैं।

[सं. एफ. 9/37/91-बी.ओ.-1]

के. जे. रेड्डी, अपर सचिव

(Department of Economic Affairs)

(BANKING DIVISION)

ORDER

New Delhi, the 3rd December, 1991

S.O. 3143.—In exercise of the powers conferred by sub-clause (1-A) of Clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby terminate the term of office of Shri S. M. Chitnis, Executive Director of Allahabad Bank, with effect from the date of service of this notice on him and direct that he shall be paid a sum equivalent to the amount of his salary and admissible allowances for a period of three months in lieu of the period of notice. The payment of allowances will, however, be subject to the conditions in which such allowances are otherwise admissible.

[No. F. 9/37/91-BO. 1]

K. J. REDDY, Addl. Secy.

नई दिल्ली, 6 दिसम्बर, 1991

का.आ. 3144.—बैंकिंग विनियम अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर एन.एच.बी. यह घोषणा करती है कि उक्त अधिनियम की धारा 9 के उपबंध कर्नाटक बैंक लि., मंगलूर पर 29 दिसम्बर, 1993 तक उस सीमा तक लागू नहीं होंगे जहां तक उनका संबंध इसके द्वारा कुडगल, धारवाड़ जिला, कर्नाटक राज्य में धारित 810, 811 और 812 म्युनिसिपल संख्या वाली दुकान और टीन के गोदामों सहित दो मजिस्ट्रेट मकान की अंचल सम्पत्ति से है।

[सं. 15/20/87-बी.ओ. III]

के. के. मंगल, अपर सचिव

New Delhi, the 6th December, 1991

S.O. 3144.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Karnataka Bank Ltd. Mangalore, for a period upto the 29th December, 1993, in respect of the immovable property of a two storied house including shop and tin godown bearing Municipal Nos. 810, 811 and 812 held by it at Kundgol, Dharwar District, Karnataka State.

[No. 15/20/87-B.O. III]

K. K. MANGAL, Under Secy.

नई दिल्ली, 6 दिसम्बर, 1991

का.आ. 3145.—बैंकिंग विनियम अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का

प्रयोग करने हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सफाई पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10 की उपधारा (1) (ग) (झ) के उपबन्ध, केनरा बैंक के कार्यपालक निदेशक, श्री के. लक्ष्मीनारायण पर, जहाँ तक भारत में आवास वित्त कम्पनी, केनफिन होम लि., के बोर्ड में उनकी नियुक्ति का सम्बन्ध है, लागू नहीं होंगे।

[संख्या एफ. 20/1/90-बी.ओ.-1]

एम. एस. सीतारामन, अवर सचिव

New Delhi, the 6th December, 1991

S.O. 3145.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Government of India on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (1) (c) (i) of Section 10 of the said Act shall not apply to Sri K. Lakshminarayana, the Executive Director of Canara Bank in relation to his appointment on the Board of Canfin Homes Ltd., a housing finance company in India.

[No. F. 20/1/90-BO. 1]

M. S. SEETHARAMAN, Under Secy.

मुख्य आयकर आयुक्त कार्यालय, कोचीन

कोचीन 2 दिसम्बर, 1991

(आयकर)

का.आ. 3146.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 की उपधारा (4) के अनुसार और इसमें संबंधित सभी पूर्व अधिसूचनाओं का अधिक्रमण करते हुए, मैं, मुख्य आयकर आयुक्त, कोचीन एतद्वारा आयकर विभाग के आयकर अधिकारी होने के नाते श्री सी.पी. मेनन को उक्त अधिनियम के अधीन कर वसूली की सभी शक्तियों का प्रयोग करने के लिए प्राधिकृत करता हूँ।

2. यह अधिसूचना दिनांक 2-12-1991 के तत्काल प्रभाव से लागू होगी।

[सी.सं. 1(9)/जी.एल/डी.आर./91-92]

एम.के. केगवन, मुख्य आयकर आयुक्त

(Office of the Chief Commissioner of Income-tax, Cochin)

Cochin, the 2nd December, 1991

(INCOME-TAX)

S.O. 3146.—In pursuance of sub-section (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961) and in supersession of all earlier notifications in this regard, I, the Chief Commissioner of Income-tax, Cochin, hereby authorise Sri C. P. Menon being an Income-tax Officer of the Income-tax Department, to exercise the powers of Tax Recovery Officer under the said Act.

2. This notification shall come into force with effect from 2-12-1991.

[C. No. 1(9) GL/T

M. K. KESHAVAN, Chief Commis
Inc

अधिसूचना सं. 277

केन्द्रीय उत्पाद शुल्क समाहृतालय

अधिसूचना सं. 277/1991

इन्दौर, 6 दिसम्बर, 1991

का.आ. 3147.—श्री एस.के. राय, प्रतीक्षक, केन्द्रीय उत्पाद शुल्क समाहृतालय इन्दौर, निवृत्त प्राप्त करने पर दिनांक 31-10-1991 को अप शासकीय सेवा से निवृत्त हुए।

[प.सं. 11(3) 8—

बालकृष्ण अग्रवाल,

CENTRAL EXCISE COLLECTORATE

NOTIFICATION NO. 277/1991

Indore, the 6th December, 1991

S.O. 3147.—Shri S. K. Rao, Superintendent, Centi Group 'B' of Indore Collectorate having attained li superannuation, retired from Government ser (10-1991 AN).

[C. No. 11(3) 8

B. K. AGARWAL,

भारतीय रिजर्व बैंक

(विदेशी मुद्रा नियंत्रण विभाग)

(केन्द्रीय कार्यालय)

बम्बई, 18 नवम्बर, 1991

का.आ. 3148.—विदेशी मुद्रा विनियमन अधिनियम 1973 (1973 का 46) की धारा 14, धारा उपधारा (1), धारा 16 की उपधारा (1) के भारत सरकार के वित्त मंत्रालय द्वारा जारी, समय-समय पर संशोधित, दिनांक 15 जून, 1977 की अधिसूचना एफ. 1/3/ई सी/73 (जी एस आर 839) के मा 8 धारा 8 की उपधारा (1) द्वारा प्रदान शक्तियों मरण में तथा उक्त अधिनियम के अंतर्गत प्राप्त अन्य शक्तियों के अन्वय में, रिजर्व बैंक उन निर्यातों को जिन्हें परियोजना निर्यात संबंधी कार्यकारी और से एक्जिम बैंक से पोस्ट-बिड अनुमोदन-पत्र है, अथवा एक्जिम बैंक को अथवा उनकी अन्य शक्तियों के अंतर्गत किसी प्राधिकृत व्यापारी को, ग्राह्यगण भुगतान की शर्तों पर इंजीनियरिंग वस्तुओं के निर्यात, विदेश में उनके परियोजनाओं/मिबिल निर्माण सविदाओं को पूरा करने के संबंध में अथवा विदेश में परामर्श, तकनीकी अथवा अन्य सेवाओं के निर्यात निम्नलिखित के लिए सहर्ष अनुमति प्रदान करता है:

(1) निर्यात सविदा से संबंधित व्यय के वहन हेतु तथा उसके अंतर्गत प्राप्त भुगतानों को प्राप्त करने हेतु भारत से बाहर ऐसे स्थानों पर तथा

उत्तरी संस्था में, जिसकी स्वीकृति अनुमोदन-पत्र में दी गयी हो, विदेशी मुद्रा बैंक खाते खोलने तथा उन्हें रखने के लिए ;

- (2) निर्यात संविदा को पूरा करने में संबंधित कार्य एवं सेवाओं के सम्बन्ध हेतु भारत से बाहर ऐसे स्थान अथवा स्थानों पर जिसकी स्वीकृति अनुमोदन-पत्र में दी गयी हो, अस्थायी अस्थायन कार्यालय खोलने के लिए ;
- (3) निर्यात संविदा के संबंध में भारत से बाहर किसी एजेंट को देय वह कमीशन, जिसकी स्वीकृति अनुमोदन-पत्र में दी गयी हो, देने के लिए ;
- (4) निर्यात संविदा पूरा करने में तकद राशि विषयक अस्थायी कमी को पूरा करने हेतु, भारत में अपने बैंकरो की गारंटी के तहत विदेश में ऐसे विदेशी मुद्रा ऋण अथवा ओवरड्राफ्ट प्राप्त करने के लिए जिसकी स्वीकृति अनुमोदन-पत्र में दी गयी हो,

वर्णन निम्नलिखित शर्तों का पालन किया गया हो :

- (क) अनुमोदन-पत्र में वर्णित शर्तों तथा रिजर्व बैंक द्वारा समय-समय पर दिये जाने वाले निर्देशों का निर्यातक द्वारा कड़ाई के पालन किया जाए,
- (ख) ऐसे विदेशी मुद्रा बैंक खाते, अस्थायी अस्थायन कार्यालय खोलने, एजेंसी कमीशन देने अथवा विदेशी मुद्रा/ऋण/ओवरड्राफ्ट प्राप्त करने में 15 दिन के भीतर निर्यातक रिजर्व बैंक के संबंधित क्षेत्रीय कार्यालय को एक विवरण प्रस्तुत करें जिसमें ऐसे बैंक खाते, अस्थायन कार्यालय, कमीशन अथवा ऋण/ओवरड्राफ्ट का पूरा व्याख्यान दिया गया हो,
- (ग) निर्यातक रिजर्व बैंक के संबंधित क्षेत्रीय कार्यालय को अपेक्षित प्रयोजन हेतु विनिर्दिष्ट फार्म में, उस फार्म में विनिर्दिष्ट प्रलेखों सहित एक निमाही विवरण प्रस्तुत करें।

[अधिसूचना सं. फेस 98/91-आरबी]

ए. घोष, उप गवर्नर

RESERVE BANK OF INDIA

(Exchange Control Department)

(Central Office)

Bombay, the 18th November, 1991

S.O. 3148.—In pursuance of the powers conferred by sub-section (1) of Section 8 read with Notification No. F-1/3/EC/73 (GSR 839) dated 15th June 1977 as amended from time to time, issued by the Government of India in the Ministry of Finance under Section 14, sub-section (1) of Section 9, sub-section (1) of Section 16 of the Foreign Exchange Regulation Act, 1973, (46 of 1973) and all other powers vested in it under the said Act, the Reserve Bank is pleased to permit exporters who have obtained post-bid letters of approval

from the Export Bank on behalf of the Working Group on Project Exports, or the Export Bank or an Authorised Dealer within their delegated powers, in respect of export of engineering goods on deferred payment terms, executor of turn-key projects/civil construction contracts abroad or for the export of consultancy, technical or other services abroad—

- (i) to open and maintain such number of foreign currency bank accounts and at such places outside India for the purpose of receiving payments due under and meeting expenditure connected with the export contract, as approved in the letter of approval ;
- (ii) to establish temporary site office at such place or places outside India, for the purpose of co-ordinating the work or services in the execution of the export contract, as approved in the letter of approval ;
- (iii) to pay such commission due to any agent outside India, in connection with the export contract, as approved in the letter of approval ;
- (iv) to raise such foreign currency loan or overdrafts abroad against guarantees of their bankers in India, for the purpose of bridging temporary shortfall in cash flows in the execution of export contract, as approved in the letter of approval ;

subject to the conditions that :

- (a) the terms and conditions specified in the letter of approval and any directions that may be given from time to time by the Reserve Bank are strictly complied with by the exporter ;
- (b) within 15 days of the opening of such foreign currency bank accounts, temporary site office, payment of agency commission or availing of foreign currency loan/overdraft, the exporter submits to the concerned Regional Office of the Reserve Bank, a statement containing full particulars of such bank accounts, site office, commission or loan/overdraft ;
- (c) a quarterly statement in the form specified for the purpose, along with documents specified in such form, is submitted by the exporter to the concerned Regional Office of the Reserve Bank.

[Notification No. F.F.R.A. 98/91-RB]

A. GHOSH, Dy. Governor

वाणिज्य मंत्रालय

(मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

आदेश

नई दिल्ली, 10 दिसम्बर, 1991

का.आ. 3149:—मैसर्स नेशनल थर्मल पावर कारपोरेशन लि., जिला मोनभर (उ.प्र.) को मुक्त विदेशी मुद्रा के अंतर्गत सस्कर हैक्सा क्वोराडड गैस (एमएफ-6) के आयात के लिए 3,47,023 रुपये (तीन लाख सैतालीस हजार नईप रुपये मात्र) का आयात लाइसेंस सं. जी/एच/2045551 दिनांक 29-5-91 दिया गया था।

फर्म ने उपर्युक्त लाइसेंस की सीमाशुल्क प्रयोजन प्रति को अनुरोधित जारी करने के लिए हम आधार पर आवेदन किया है कि लाइसेंस की मूल सीमाशुल्क प्रयोजन प्रति कहीं खो गई अथवा गम हो गई है। आगे यह भी कहा गया है कि लाइसेंस की सीमाशुल्क प्रयोजन प्रति किसी भी सीमाशुल्क प्राधिकारी के पास पंजीकृत नहीं कराई गई थी और इसीलिए सीमाशुल्क प्रयोजन प्रति के मूल्य का बिल्कुल भी इस्तेमाल नहीं किया गया है।

मरा।।के के मर्याद में लाइसेंसधारी ने नोटरी पब्लिक, वाराणसी (उत्तर प्रदेश) के समक्ष विधिवत रूप से शपथ लेकर रसीदी कागज पर एक शपथ पत्र दाखिल किया है। तदनुसार मैं संतुष्ट हूँ कि आयात लाइसेंस सं. जी/एच/2045551 दिनांक 29-5-91 की मूल सीमाशुल्क प्रति फर्म से कहीं खो गई अथवा गुम हो गई है। अतः यथा संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की उपधारा 9 (गग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैंमस एन टी पी सी लि., जिला सोनभद्र (उत्तर प्रदेश) को जारी की गई मूल सीमाशुल्क प्रति सं. जी/एच/2045551 दिनांक 29-5-91 एतद्वारा रद्द की जाती है।

उक्त लाइसेंस की सीमाशुल्क प्रयोजन प्रति की अनु-लिपि पार्टी को अलग से जारी की जा रही है।

[सं. सी जी-2/एच ई पी/3/91-92/805]

एम.पी. शर्मा, उप मुख्य नियंत्रक,
आयात-निर्यात

MINISTRY OF COMMERCE

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 10th December, 1991

S.O. 3149.—M/s. National Thermal Power Corporation Ltd., Distt. Sonbhadra (U.P.) were granted an import licence

No. G/H/2045551 dated 29-5-91 for Rs. 3,47,023 (Rupees Three lakhs forty seven thousands and twenty three only) for import of Sulphur Hexa Fluoride Gas (SF-6) under Free Foreign Exchange.

The firm has applied for issue of Duplicate copy of Customs purposes copy of the abovementioned licence on the ground that the original Customs purposes copy of the licence has been lost or misplaced. It has further been stated that the Customs purposes copy of the licence was not registered with any Customs Authority and as such the value of Customs purposes copy has not been utilised at all.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public, Varanasi (U.P.), I am accordingly satisfied that the original Customs purposes copy of import licence No. G/H/2045551 dated 29-5-91 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs purposes copy No. G/H/2045551 dated 29-5-91 issued to M/s. N.T.P.C. Ltd., Distt. Sonbhadra (U.P.) is hereby cancelled.

3. A duplicate Customs purposes copy of the said licence is being issued to the party separately.

[No. CGH/HEP/3 91-92/805]

S. P. SHARMA, Dy. Chief Controller of
Import and Exports

खाद्य एवं नागरिक पूर्ति मंत्रालय

(नागरिक पूर्ति विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 29 अक्तूबर, 1991

का.आ. 3150.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम 5 के उपविनियम (6) के अनु-मरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस/जिन लाइसेंस(सों) का/के विवरण नीचे दिया गया है/दिए गए हैं वह/वे उसके/उनके सामने दी गई तिथि से रद्द कर दिया गया है/दिए गए हैं।

अनुसूची

क्रम सं.	लाइसेंस संख्या तथा दिनांक	लाइसेंसधारी का नाम व पता	रद्द लाइसेंस के अंतर्गत वस्तु/प्रक्रम तथा संबद्ध भारतीय मानक	रद्द किए जाने की तारीख
(1)	(2)	(3)	(4)	(5)
सी एम/एल-1609451 दिनांक 1986-09-24	मै. स्पेल्लर आटो इंडस्ट्रीज प्रा. लि. प्लॉट नं. 63 सेक्टर-6 फरीदाबाद-121006 (हरियाणा)	गोबरगैस चूल्हे स्टेनलैस इस्पात और सीप्रारमीए चूल्हे निकिल/ क्रोमियम लेपित डोंचा दो बर्तन वाले गोबरगैस चूल्हे डले लोहे के बर्तन 285/लि/घ और 454 लि/घ मादानी पर पर आई एस : 8749-1988	1990-07-13	

[सी एम डी/55:1609451]

एम. गुरुहमय्यन,
अपर महानिदेशक

MINISTRY OF FOOD AND CIVIL SUPPLIES

(Department of Civil Supplies)

BUREAU OF INDIAN STANDARDS

New Delhi, the 29th October, 1991

S (3150.---In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulation 1988, the Bureau of Indian Standards hereby notifies that the licence(s) particulars of which is/are given below has/have been Cancelled with effect from the date indicated :

SCHEDULE

Licencee. (CM/L---)	Name and Address of the licensee	Article/Process with relevant Indian Standard covered by the licence cancelled	Date of cancellation
(1)	(2)	(3)	(4)
CM/-6094 51	M/s Spencer Auto Industries Pvt. Ltd., Plot No. 63, Sector-6, Faridabad-121006 (Haryana).	Gobar gas stoves, stainless steel and CRCA sheet Ni/Cr plated body double burner gobar gas stove with cast iron burners of ratings 285 l/h and 454 l/h at STP as per IS : 8749-1988.	1990-07-13

[No. CMD/55 : 16094 51]

S. SUBRAHMANYAN, Addl. Director General

पेट्रोलियम और प्राकृतिक गैस संशालय

नई दिल्ली, 12 दिसम्बर, 1991

का. आ. 3151.---यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी. एन. बी. यू. से जी. जी. एस. -II तक पेट्रोलियम के परिवहन के लिये पाइप-लाइन हेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपायबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

वर्तते कि उस भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइपलाइन बिछाने के लिए आशेष सक्षम प्राधिकारी तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग

3247 GI/91-2

मकरपुरा रोड, बडोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा जो क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

जी. एन. बी. यू. से जी. जी. एस. II तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात		जिला : भरुच तालुका : वागरा		
गांव	ब्लाक न.	हे.	आर.	सेंटोयर.
1	2	3	4	5
केशवान	25	0	08	60
	23	0	20	80
	21	0	26	00
	37	0	08	80
	40	0	20	00

1	2	3	4	5
केशवान—ममाण	कार्टट्रेक	0	02	60
	60	0	07	60
	58	0	13	20
	57	0	22	60
	1076	0	16	80
	54	0	11	20
	53	0	13	00
	52	0	19	40
	51	0	00	58
	46	0	29	02
	47	0	05	60

[सं. ओ.-12016/91/91/ओ एन जी डी -4]

MINISTRY OF PETROLEUM & NATURAL GAS

New Delhi, the 12th December, 1991

S.O. 3151.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from GNBU to GGS II in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed here to.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Mukarpura Road Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM GNBU TO GGS.II.

State : Gujarat District : Bharuch Taluka : Vagra

Village:	Block No.	Hee. tare	Area	Centi- tare
1	2	3	4	5
Keshwan	25	0	08	60
	23	0	20	80
	21	0	26	00
	37	0	08	80
	40	0	20	00
	Cart track	0	02	60
	60	0	07	60
	58	0	13	20
	57	0	22	60

1	2	3	4	5
	1076	0	5	80
	54	0	1	20
	53	0	3	60
	52	0	1	40
	51	0		58
	46	0		02
	47	0		60

[No. O-12016/91/91-(G.D-4)]

का० आ. सं. 3152.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में दहेज-3 से दहेज जी जी 1 तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा कृत्तिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी जगहों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए, केन्द्रीय सरकार ने उसमें उपरोक्त अधिकार अर्जित करने का अपना आग्रह एतद्वारा पित किया है।

बतर्क कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्राग, मकरपुरा रोड, बडौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा की क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

दहेज -3 से दहेज जी. सी. एस. तक पाइप लाईन बिछाने के लिए।

राज्य : गुजरात, जिला : भरुच, तालुका : वागरा

गाँव	ब्लॉक नं.	हेक्टेयर धार.	सेंटिमीटर
कोलीपाद	213	0	01 00
	228	0	24 00
	214	0	14 40
	227	0	26 20
	229	0	27 80
	178/बी	0	01 20

1	2	3	4	5
	178/ए	0	30	60
	190	0	24	00
	189/बी	0	02	80
	191	0	19	20
	187	0	19	20
	183/बी	0	13	20

[स. O-12016/92/91-ओ एन जी डी -4]

S.O. 3152.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from Dahej-3 to Dahej GGS in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from Dahej-3 to Dahej GGS.

State : Gujarat District : Bharuch Taluka : Vargu

Village	Block No.	Hee- tare	Area	Car- tare
Koliad	213	0	01	00
	228	0	24	00
	214	0	14	40
	227	0	26	20
	229	0	27	80
	178/B	0	01	20
	178/A	0	30	60
	190	0	24	00
	189/B	0	02	80
	191	0	19	20
	187	0	19	20
	183/B	0	13	20

(No O-12016/92/91-ONGD-IV)

का.आ. 3153:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी. एन. बी

यु. मे. जी. जी. एम. II तक पेट्रोलियम के परिवहन के लिये पार्श्वलाईन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिए एतदुपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पार्श्वलाईन (भूमि में उपयोग) के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियाँ का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आग्रह एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पार्श्वलाईन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदा 9 को उस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट। यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

जी. एन. बी. यु. मे. जी. जी. एम. II तक पार्श्व लाईन बिछाने के लिए।

राज्य : गुजरात जिला : भरुच,		तालुका :	बागरा	
गांव	ब्लोक नं	हे.	आर.	में.
पालडी	241	0	29	58
	242	0	00	38
	244	0	25	04
	246	0	35	00
	249	0	11	40
	254	0	30	80
	256	0	28	70
	257	0	00	70
	274	0	10	64

[स. O/12016/93/91 ओ एन जी डी-4]

S.O. 3153.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from GNBU to GGS II in Gujarat State pipeline, should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from GNBH to GGS II.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	He- tare	Area Centiare	Centiare
Paldi	241	0	29	58
	242	0	00	38
	244	0	25	04
	246	0	35	00
	249	0	11	40
	254	0	36	80
	256	0	28	70
	257	0	00	70
	274	0	10	64

[No. O-12016/93/91-ONGD.IV]

का. आ. 3154.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में बेछराजी ई. पी. एस. से मेहसाणा सी. टी. एफ. तक पेट्रोलियम के परिवहन के लिये पाईपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजिकरना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करने का अपना आशय एतद्वारा घोषित किया है।

वर्तते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाईपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग निमण और बेछराज प्रभाग मकरपुरा रोड, बडोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा की क्या यह वह चाहता है कि उसकी

सुनवाई व्यक्तिगत रूप से हो या किसी विधी व्यवसायी की मार्फत।

अनुसूची

बेछराजी ई. पी. एस. से, मेहसाणा सी. टी. एफ. तक पाईप लाईन बिछाने के लिए

राज्य : गुजरात जिला मेहसाणा तालुका : चानमा

गांव	ब्लॉक नं.	हे.	आर.	से.
रूपपुरा	317	0	14	80
	318	0	00	22
	316	0	28	79
	319	0	12	00
	311	0	35	45
	302	0	26	43
	304	0	00	22
	कार्ट ट्रैक	0	03	50
	300	0	24	05

[सं. O-12016/94/91-ओ. एन. जी. डी.-4]

S.O. 3154.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from Becharajee E.P.S. to Mehsana C.T.F. in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from Becharajee EPS to Mehsana CTF.

State : Gujarat District : Mehsana Taluka - Chanasma

Village	Block No.	He- tare	Area Centiare	Centiare
Ruppura	317	0	14	80
	318	0	00	22
	316	0	28	79
	319	0	12	00
	311	0	35	45
	302	0	26	43
	304	0	00	22
	Cart track	0	03	50
	300	0	24	05

[No. O-12016/94/91-ONGD-IV]

1	2	3	4	5	1	2	3	4	5
	65	0	15	45					
	60	0	25	10		144	0	12	34
	30/8	0	00	96		141	0	23	01
	Cart track	0	02	49		140	0	05	10
	30/A	0	14	49		160	0	09	05
	31	0	02	10		135	0	19	95
	29	0	14	80		136/ए	0	00	80
	33	0	05	89		134	0	36	53
	28	0	00	78		133	0	01	65
	34/1	0	12	55		कार्टट्रेक	0	01	50
	34/2	0	07	90		122	0	14	73
	35	0	08	95		123	0	13	82
	12	0	02	63		कार्टट्रेक	0	01	17
	Cart track	0	01	20		99	0	00	40
	13	0	00	59		95	0	27	24
	11	0	16	52		91	0	00	15
	10	0	02	45		90	0	19	73

[No. O-12016/95/91-ONGD-IV]

का. आ. सं. 3156:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में बेचराजी ई.पी.एस. से मेहसाणा सी. टी. एफ. तक पेट्रोलियम के परिवहन के लिये पाईपलाईन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि से उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1992 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार में उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितवद्ध कोई व्यक्ति उस भूमि के नीचे पाईपलाईन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग मकरपुरा रोड, बड़ौदा-9 को हम अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा की क्या यह वह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधी व्यवसायी की मार्फत।

अनुसूची

बेचराजी ई. पी. एस. से मेहसाणा सी. टी. एफ तक पाईप लाईन बिछाने के लिए

राज्य—गुजरात	जिला व तालुका—मेहसाणा			
गांव	ब्लॉक नं.	हे.	आर.	से.
1	2	3	4	5
तेजपुरा	146	0	23	40
	145	0	15	20

[सं. ओ 12016/96/91-ओ एन. जी. डी-4]

S.O. 3156.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from Becharajee E.P.S. to Mehsana C.T.F. in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission,

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals pipeline (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein,

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from Bucharaji EPS to Mehsana CTF.
State : Gujarat District & Taluk : Mehsana

Village	Block No.	Hec- tare	Are	Cent- bare
1	2	3	4	5
Teipura	146	0	23	40
	145	0	15	20
	144	0	12	34
	141	0	23	01
	140	0	05	10
	160	0	09	05
	135	0	19	95
	136	0	00	80
	134	0	36	53
	133	0	01	05
	Cart track	0	01	50
	122	0	14	73
	123	0	13	82
	Cart track	0	01	17
	99	0	00	40
	95	0	27	24
	91	0	00	15
	90	0	19	73
	89	0	13	76
	Cart track	0	03	76
	60	0	22	84
	Cart track	0	02	00
	59	0	00	06
	50	0	07	76
	51	0	11	15
	52	0	11	75
	55	0	08	27
	54	0	16	48
	41	0	05	70

[No. O-12016/96/91-ONGD IV]

का. आ. 3157.—यह: केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में बूचराजी ई. पी. एम. से मेहसाणा सी. टी. एफ. तक पेट्रोलियम के परिवहन के लिये पाईपलाईन तेल तथा प्राकृतिक गैस आयोग द्वारा विछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाईनों को विछाने के प्रयोजन के लिए एतदुपाय अन्तर्गामी में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बनने कि उस भूमि में हितवद्ध कोई व्यक्ति उस भूमि के नीचे पाईपलाईन बिछाने के लिए आक्षेप समक्ष प्राधिकारी तेल तथा प्राकृतिक गैस आयोग निर्माण और देखभाल प्रभाग मकरपुरा रोड, बडोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा की क्या यह वह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

बूचराजी ई. पी. एम. से मेहसाणा सी. टी. एफ. तक पाईप लाईन बिछाने के लिए।

राज्य गुजरात जिला व तालुका : मेहसाणा

गांव	सर्वे न.	हे.	आर.	में.	टी.अर.
1	2	3	4	5	
कटोमन	112	0	16	20	
	107	0	48	80	
	106	0	11	80	
	105/1	0	07	30	
	105/2	0	05	30	
	104/2	0	00	18	
	104/3	0	02	00	
	103/1	0	09	80	
	103/2	0	04	16	
	95	0	03	75	
	96	0	12	30	
	97/4	0	01	00	
	कार्टट्रेक	0	06	00	
	94	0	06	00	
	कार्टट्रेक	0	08	70	
	521/2	0	05	80	
	522	0	14	70	
	519	0	24	30	
	518	0	07	50	
	524/3	0	00	70	
	कार्टट्रेक	0	02	00	
	502	0	10	00	
	500	0	00	98	
	501	0	12	90	
	543	0	05	40	
	544/1	0	21	60	
	5445/1×2	0	00	98	
	541	0	01	70	
	540	0	18	20	

1	2	3	4	5
	539	0	07	10
	काटेद्रेक	0	02	40
	548/1	0	09	10
	548/2	0	04	38
	549	0	26	00

[सं. O - 12016/97/91-ओ. एन. जी. डी. IV]

S.O. 3157.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from Bechrajee E.P.S. to Mehsana C.T.F. in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declare its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from Bechraji EPS to Mehsana CTF
State : Gujarat District & Taluka : Mehsana

Village	Survey No.	Hec- tare	Are Cen- tiare	
1	2	3	4	5
Katosan	112	0	16	20
	107	0	48	80
	106	0	11	80
	105/1	0	07	30
	105/2	0	05	30
	104/2	0	00	18
	104/3	0	02	60
	103/1	0	09	80
	103/2	0	04	16
	95	0	03	75
	96	0	12	30
	97/4	0	01	00
	Cart track	0	06	00
	94	0	06	00
	Cart track	0	08	70
	521/2	0	05	80
	522	0	14	70
	519	0	24	30
	518	0	07	50
524/3	0	00	70	

1	2	3	4	5
	Cart track	0	02	00
	502	0	10	00
	500	0	00	98
	501	0	12	90
	543	0	05	40
	544/1	0	21	60
	545/1 + 2	0	00	98
	541	0	01	70
	540	0	18	20
	539	0	07	10
	Cart track	0	02	40
	548/1	0	09	10
	548/2	0	04	38
	549	0	26	00

[No. O-12016/97/91-ONGD-IV]

का. आ. सं. 3158.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में बेचराजी ई. पी. एस. से मेहसाणा सी. टी. एफ. तक पेट्रोलियम के परिवहन के लिये पाईपलाईन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी ज़मीनों को बिछाने के प्रयोजन के लिए एतदुपायबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाईपलाईन बिछाने के लिए आक्षेप समक्ष प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग मकरपुरा रोड, बड़ोदा 9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा की क्या यह वह चाहता है कि सुनवाई व्यक्तिगत रूप में हो या किसी विधी व्यवसायी की मार्फत।

अनुसूची

बेचराजी ई. पी. एस. से मेहसाणा सी. टी. एफ. तक पाईपलाइन बिछाने के लिए

राज्य — गुजरात जिला — मेहसाणा तालुका — पाणमगा

गांव	सर्वे. नं.	हे.	आर.	सेंटीयर
1	2	3	4	5
गतेज	779/1	0	18	35
	779/2/पी	0	21	70

1	2	3	4	5
	779/3/पी	0	29	65
	779	0	84	97
	777	0	06	10
	801	0	10	15
	कार्टट्रेक	0	01	80
	794	0	12	42
	795/2	0	20	70
	895/1	0	16	77
	820	0	00	78
	819	0	17	40
	818/6	0	19	70
	818/5	0	09	80
	815	0	05	20
	817	0	16	64
	816	0	02	63
	कार्ट ट्रेक	0	01	80
	875/5	0	14	70
	875/2/पी	0	24	00
	875/2/पी	0	05	90
	876	0	21	90
	877	0	10	25
	881	0	07	10
	880	0	19	70
	कार्ट ट्रेक	0	02	40
	22	0	05	95
	21	0	17	89
	20/2 पी	0	02	40
	कार्ट ट्रेक	0	01	80
	45/2/पी	0	02	34
	45/3	0	32	96
	44	0	01	10
	48/1 पी	0	01	60
	48/2/पी	0	30	40
	48/3 पी	0	01	01
	51	0	00	40
	52	0	27	89
	कार्टट्रेक	0	00	98
	66	0	01	63
	72	0	22	30
	84	0	14	68
	83	0	15	60
	82	0	01	12
	81	0	21	70
	89	0	19	15
	91/पी	0	08	00
	90	0	23	10

1	2	3	4	5
	कार्ट ट्रेक	0	04	54
	94	0	00	63
	114	0	15	10
	113	0	13	40
	108	0	12	65
	107	0	08	50
	106	0	33	03
	101	0	01	19
	103	0	00	78
	102	0	33	90

[सं. O-12016/98/91-श्री एन जी टी (IV)]

S.O. 3158—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from Becharajee I.P.S. to Mehsana C.T.F. in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from Becharajee EPS to Mehsana CTF.

State: Gujarat District :Mehsana Taluk : Chanasma

Village	Survey No.	Hec- tare	Are	Centi- tiare
Rantej	779/1	0	18	35
	779/2/P	0	21	70
	779/3/P	0	29	65
	779	0	84	97
	777	0	06	10
	801	0	10	15
	Cart track	0	01	80
	794	0	12	42
	795/2	0	20	70
	795/1	0	16	77
	820	0	00	78
	819	0	17	40
	918/6	0	19	70
	818/5	0	09	80

	2	3	4	5
815	0	05	20	
817	0	16	64	
816	0	02	63	
Cart track	0	01	80	
875/5	0	14	70	
875/2/P	0	24	00	
875/2/P	0	05	90	
876	0	21	90	
877	0	10	25	
881	0	07	10	
880	0	19	70	
Cart track	0	02	40	
22	0	05	95	
21	0	17	89	
20/2/P	0	02	40	
Cart track	0	01	80	
45/2/P	0	02	34	
45/3	0	32	96	
44	0	01	10	
48/1/P	0	01	60	
48/2/P	0	30	40	
48/3/P	0	01	01	
51	0	00	40	
52	0	27	89	
Cart track	0	00	98	
66	0	01	63	
72	0	22	30	
84	0	14	68	
83	0	15	60	
82	0	01	12	
81	0	21	70	
89	0	19	15	
91/P	0	08	00	
90	0	23	10	
Cart track	0	04	54	
94	0	00	63	
114	0	15	10	
113	0	13	40	
108	0	12	65	
107	0	03	50	
106	0	33	03	
101	0	01	19	
103	0	00	78	
102	0	33	90	

[No. O-12016/98/91-ONG D(IV)]

का. आ. 3159.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में बरेली ई. पी. एम. से मेहमाना सी. टी. एफ. तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइन को बिछाने के प्रयोजन के लिए पतझपावड़ अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय पतझपावड़ घोषित किया है।

वर्णित कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप समक्ष प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदा-9 को उस अधिसूचना की तारीख में 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

बरेली ई. पी. एम. से मेहमाना सी. टी. एफ. तक पाइप लाइन बिछाने के लिए

राज्य—गुजरात जिला—अहमदाबाद तालुका—विरमगाँव

गाँव	मबे. नं.	हे.	आर.	में.
1	2	3	4	5
तेलावी	कार्ट ट्रैक	0	02	40
	27	0	19	90
	18	0	13	90
	20/पी	0	41	70
	19	0	35	50
	14/पी	0	25	98
	13	0	09	90
	43/1	0	92	00
	48	0	16	46
	47/पी	0	15	50
	46	0	02	42
	185	0	10	40
	कार्ट ट्रैक	0	09	00
	220	0	48	80
	222	0	20	20
	223/पी	0	10	10
	211/पी	0	40	90
	210/पी	0	02	00
	209/27	0	01	08
	209/28	0	05	95
	209/29	0	07	00

1	2	3	4	5
	209/30	0	08	70
	209/32	0	12	00
	209/34	0	01	20
	कार्ट ट्रैक	0	02	00
	209/35	0	06	00
	209/36	0	07	00
	209/37	0	02	20
	कार्ट ट्रैक	0	02	40
	209/26	0	14	50
	226/10	0	08	00
	226/11	0	03	25
	226/15	0	08	50
	226/16	0	07	00
	226/26	0	10	45
	226/17	0	02	25
	226/27	0	21	50
	226/29	0	04	50
	226/43	0	25	00

[सं. O-12016/99/91-ओ. एन. जी. डी.-4]

S.O. 3159.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from Becharjee E.P.S. to Mehsana C.T.F. in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And, every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from Becharaji EPS to Mehsana C.T.F.
State : Gujarat District : Ahmedabad

Taluka : Viramgam

Village	Survey No.	Hec- tare	Are	Cent- tiare
1	2	3	4	5
Telavi	Cart track	0	02	40
	27	0	19	90

1	2	3	4
	18	0	13 90
	20/P	0	11 70
	19	0	35 50
	14/P	0	25 98
	13	0	09 90
	43/1	0	92 00
	48	0	16 46
	47/P	0	15 50
	4b	0	02 42
	185	0	10 40
	Cart track	0	09 00
	220	0	48 10
	212	0	20 20
	223/P	0	10 10
	211/P	0	40 90
	210/P	0	02 00
	209/27	0	01 08
	209/28	0	05 95
	209/29	0	07 00
	209/30	0	08 70
	209/32	0	12 00
	209/34	0	01 20
	Cart track	0	02 00
	209/35	0	06 00
	209/36	0	07 00
	209/37	0	02 20
	Cart track	0	02 40
	209/26	0	14 50
	226/10	0	08 00
	226/11	0	03 25
	226/15	0	08 50
	226/16	0	07 00
	226/26	0	10 45
	226/17	0	02 25
	226/27	0	21 50
	226/29	0	04 50
	226/43	0	25 00

[No. O-12016/99/91-ONGD-IV]

का. आ. 3160.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में बेवराजी ई. पी. एम. में महसाणा सी. टी. एफ तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आग्रह एतद्द्वारा घोषित किया है।

वर्णन कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

बेचराजी ई. पी. एम. से मेहसाणा सी. टी. एफ. तक पाइप लाईन बिछाने के लिए।

राज्य : गुजरात जिला : अहमदाबाद तालुका : विरमगाम

गांव	सर्वे. नं.	हे.	अ. मंटीयर
भटारीया	52	0	04 02
	49	0	18 35
	36	0	19 15
	37 / 1	0	05 20
	37 / 2	0	13 95
	39 / 1	0	16 25
	39 / 2	0	07 00
	28 / 3	0	18 61
	27 / 2	0	07 36
	27 / 3	0	22 40
	27 / 4	0	03 63
कार्टट्रेक		0	02 40

[सं. 0-12016 / 100/91—ओ एन जी डी—IV]

S.O. 3160—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from Becharjee E.P.S. to Mehsana C.T.F. in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the Schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals pipeline (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority: Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009.

And, every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from Becharaji EPS to Mehsana C.T.F.
State : Gujarat District : Ahmedabad

Taluka : Viramgam

Village	Survey No.	Hec-tare	Are	Cen-tiare
Bhatariya	52	0	04	02
	49	0	18	35
	36	0	19	15
	37/1	0	05	20
	37/2	0	13	95
	39/1	0	16	25
	39/2	0	07	00
	28/3	0	18	61
	27/2	0	07	36
	27/3	0	22	40
	27/4	0	03	63
	Cart track	0	02	40

[No. O-12016/100/91—ONGD.IV]

का. आ. 3161:— यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में बेचराजी ई. पी. एम. से मेहसाणा सी. टी. एफ. तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और, अतः, यह प्रतीत होता है कि ऐसी लाईनों को बिछाने के प्रयोजन के लिए एतद्भावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अत्र, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार क अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा धारित किया है।

वर्णन कि उक्त भूमि में हितवद्ध कोई व्यक्ति उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा की क्या वह यह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

बेचराजी ई. पी. एम. से मेहसाना सी. टी. एफ.
तक पार्श्व लार्डन विधान के लिए।

राज्य : गुजरात जिला : अहमदाबाद तालुका : विरमगाम

1	2	3	4	5
बालसासन	कार्टट्रेक	0	01	40
	54/पी	0	09	80
	53/4	0	04	50
	53/5	0	16	10
	52/पी	0	05	60
	58/पी	0	77	80
	59/2	0	03	00
	59/3	0	14	20
	60	0	08	40
	कार्टट्रेक	0	03	00
	68	0	03	85
	67/पी	0	31	50
	74/3	0	13	10
	74/4	0	01	20
	9/पी	0	46	60
	125/पी	0	24	20
	126/पी	0	01	98
	127/पी	0	16	30
	128/पी	0	26	80
	कार्टट्रेक	0	03	00
	135	0	08	60
	137/2	0	13	00
	137/5	0	02	50
	137/6	0	10	60
	138/3	0	16	50
	139/1	0	04	20
	कार्टट्रेक	0	02	00
	191/पी	0	28	00
	196/1	0	06	40
	196/2	0	05	75
	196/3	0	05	05
	196/4	0	00	60
	196/5	0	01	40
	197	0	10	20
	198	0	17	10
	200/पी	0	03	75
	199/2	0	07	00
	199/3	0	07	50
	199/4	0	06	20
	201/2	0	10	00
	201/3	0	08	00
	202/पी	0	02	80

1	2	3	4	5
	218/1	0	08	50
	218/2	0	13	00
	218/4	0	06	50
	217	0	17	50
	216/2	0	00	17
	216/4	0	16	58
	216/6	0	06	59
	216/7	0	09	86
	243/1	0	01	60
	243/2	0	17	90

[सं. अा12-016/101/91 ओ एन जी डी-IV]

S.O. 3161.--Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from Becharaji E.P.S. to Mehsana C.T.F. in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the Schedule annexed to :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals pipeline (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from Becharaji FPS to Mehsana C.T.F.
State : Gujarat District : Ahmedabad
Taluka : Viramgam

Village	Survey No.	Hect.	Are	Centi-are
1	2	3	4	5
Balsasan	Cart track	0	01	40
	54/P	0	09	80
	53/4	0	04	50
	53/5	0	16	10
	52/P	0	05	60
	58/P	0	77	80
	59/2	0	03	00
	59/3	0	14	20
	60	0	08	40
	Cart track	0	03	00
	68	0	03	85
	67/P	0	31	50
	74/3	0	13	10
	74/4	0	01	20
	9/P	0	46	60

1	2	3	4	5
	125/P	0	24	20
	126/P	0	01	98
	127/P	0	16	30
	128P	0	26	80
	Cart track	0	03	00
	135	0	08	60
	137/2	0	13	00
	137/5	0	02	50
	137/6	0	10	60
	138/3	0	16	50
	139/1	0	04	20
	Cart track	0	02	00
	191/P	0	28	00
	196/1	0	06	40
	196/2	0	05	75
	196/3	0	05	05
	196/4	0	00	60
	196/5	0	01	40
	197	0	10	20
	198	0	17	10
	200/P	0	03	75
	199/2	0	07	00
	199/3	0	07	50
	199/4	0	06	20
	201/2	0	10	00
	201/3	0	08	00
	202/P	0	02	80
	218/1	0	08	50
	218/2	0	13	00
	218/4	0	06	50
	217	0	17	50
	216/2	0	00	17
	216/4	0	16	58
	216/6	0	06	59
	216/7	0	09	86
	243/1	0	01	60
	243/2	0	17	90

[No. O-12016/101/91-ONGD-IV]

का.आ. 3162.—यन: केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में बेचराजी ई.पी.एम. के मेहसाना सी.टी.एफ. तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार ने उसमें उपयोग का

अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति; उस भूमि के नीचे पाइपलाइन बिछाने के लिए, आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टनः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

बेचराजी ई.पी.एम. से मेहसाना सी.टी.एफ. तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला व तालुका : मेहसाना

गांव	सर्वे नं.	हेक्टेयर	आर	सेन्टीयर
1	2	3	4	5
धनपुरा	677	0	02	18
	कार्ट ट्रैक	0	08	00
	685	0	30	00
	683	0	00	12
	679	0	05	76
	680	0	22	00
	681	0	00	30
	665	0	06	00
	कार्ट ट्रैक	0	06	00
	664	0	11	00
	663	0	12	50
	662	0	02	25
	कार्ट ट्रैक	0	05	40
	398	0	16	10
	396	0	08	20
	402	0	12	00
	403	0	00	80
	401	0	07	40
	409	0	08	06
	408/1/पी	0	01	75
	410	0	01	05
	411/पी	0	00	36
	412	0	18	70
	426	0	18	00

1	2	3	4	5
	414	0	04	20
	425	0	05	60
	424	0	08	20
	422	0	02	08
	423	0	04	60
	445	0	16	40
	कार्ट ट्रैक	0	03	60
	330	0	05	00
	329/1	0	07	80
	329/2	0	07	80
	324	0	08	90
	323	0	08	80
	322/2	0	01	44
	320	0	14	40
	319	0	04	50
	318	0	09	00
	317	0	10	80
	300/1/पी	0	00	48
	299	0	08	70
	283	0	06	60
	284	0	08	60
	285	0	05	50
	281	0	04	80
	280	0	20	50
	255	0	06	30
	279	0	01	25
	256	0	26	50
	263	0	05	20
	260	0	21	00
	248	0	01	28

[सं. ओ-12016/102/91-ओ एन जी सी-IV]

S.O. 3162—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from Becharajee E.P.S. to Mehsana C.T.F. in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed to :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals pipeline (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from Becharajee EPS to Mehsana CTF.

State : Gujarat District & Taluka : Mehsana.

Village	Survey No.	Hect.	Are	Centi-are
1	2	3	4	5
Dhanpura	677	0	02	18
	Cart track	0	08	00
	685	0	30	00
	683	0	00	12
	679	0	05	76
	680	0	22	00
	681	0	00	30
	665	0	06	00
	Cart track	0	06	00
	664	0	11	00
	663	0	12	50
	662	0	02	25
	Cart track	0	05	40
	398	0	16	10
	396	0	08	20
	402	0	12	00
	403	0	00	80
	401	0	07	40
	409	0	08	06
	408/1/P	0	01	75
	410	0	01	05
	411/P	0	00	36
	412	0	18	70
	426	0	18	00
	414	0	04	20
	425	0	05	60
	424	0	08	20
	422	0	02	08
	423	0	04	60
	445	0	16	40
	Cart track	0	03	60
	330	0	05	00
	329/1	0	07	80
	329/2	0	07	80
	324	0	08	90
	323	0	08	80
	322/2	0	01	44
	320	0	14	40
	319	0	04	50
	318	0	09	00
	317	0	10	80
	300/1/P	0	00	48
	299	0	08	70
	283	0	06	60
	284	0	08	60
	285	0	05	50
	281	0	04	80
	280	0	20	50
	255	0	06	30

1	2	3	4	5
	279	0	01	25
	256	0	26	50
	263	0	05	20
	260	0	21	00
	248	0	01	28

O. [No. O-12016/102/91-ONGD-IV]

का.आ. 3163. —यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में बेचराजी ई.पी.एस. से मेहसाना सी.टी.एफ. तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतद्पावद्ध अनुमूर्ची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आग्रह एतद्द्वारा घोषित किया है।

ब्रह्मों कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदा-9 को इस अधिमूर्चना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुमूर्ची

बेचराजी ई.पी.एस. से मेहसाना सी.टी.एफ. तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : मेहसाना तालुका : कड़ी

1	2	3	4	5
चालामण	117	0	17	35
	116	0	10	45
	115	0	06	90
	114/2/3	0	15	30
	86/1	0	01	08
	86/2	0	09	24
	85/पी	0	02	35
	89	0	11	70

1	2	3	4	5
	90	0	16	85
	91/1/पी/4	0	06	48
	91/2/पी	0	19	40
	93	0	12	85
	कार्ट ट्रेक	0	02	85
	71	0	17	05
	72	0	16	89
	65/2	0	18	30
	64/1/4	0	25	60
	64/2/3	0	12	00
	64/3/2	0	08	80
	कार्ट ट्रेक	0	01	01
	63	0	23	86
	62/पी	0	00	32

[सं. ओ-12016/103/91-ओ.एन.जी.डी.-IV]

S.O. 3163—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from Becharaji E.P.S. to Mehsana C.T.F. in Gujarat State pipeline should be laid by the Oil Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed to :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals pipeline (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from Becharaji EPS to Mehsana CTF.
State : Gujarat District : Mehsana Taluka : Kadi

Village	Survey No.	Hect.	Are	Cent.
1	2	3	4	5
Chalasan	117	0	17	35
	116	0	10	45
	115	0	06	90
	114/2/3	0	15	30
	86/1	0	01	08
	86/2	0	09	24
	85/P	0	02	35
	89	0	11	70
	90	0	16	85
	91/1/P/4	0	06	48
	91/2/P	0	19	40
	93	0	12	85
	Cart track	0	02	85

1	2	3	4	5
	71	0	17	05
	72	0	16	89
	65/2	0	18	30
	64/1/4	0	25	60
	64/2/3	0	12	00
	64/3/2	0	08	80
	Cart track	0	01	01
	63	0	23	86
	62/P	0	00	32

[No O-12016/103/91ONGD-IV]

का.आ. 3164.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में एल डब्ल्यू ए जे (19) से लनवा ई पी एस-1 तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और, अतः, यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

एल डब्ल्यू ए जे (19) से लनवा ई पी एस-1 तक पाइप लाइन बिछाने के लिए

गांव	मर्वे नं.	हेक्टेयर	आर.	मेंटीयर
1	2	3	4	5
लनवा	514/पी	0	05	40
	514/पी	0	05	88
	514/पी	0	03	60
	513/3	0	10	08
	512	0	07	80
	510	0	35	64

1	2	3	4	5
	432	0	05	28
	431	0	04	68
	430	0	04	44
	436	0	03	84

[सं. ओ-12016/104/91-ओ एन जी डी-4]

S.O. 3164.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from LWAI (19) to Lanwa EPS-I in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from LWAI (19) to Lanwa EPS. I.

State : Gujrat District Mehsana Taluka : Chanasma

Village	Survey No.	Hct.	Are	Cnt.
LANWA	514/P	0	05	04
	514/P	0	05	88
	514/P	0	03	60
	513/3	0	10	08
	512	0	07	80
	510	0	35	64
	432	0	05	28
	431	0	04	68
	430	0	04	44
	436	0	03	84

[No. O-12016/104/91-ONGD-IV]

का.आ. 3165.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में डी 21-22 से जंक्शन बिन्दु तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस अयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962

का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिमूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

डी-21-22 से जंक्शन बिन्दु तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : भरुच तालुका : जंबुसर

गांव	ब्लाक नं.	हेक्टेयर	आर.	सेंटीयर
कहानवा	कार्ट ट्रेक	0	01	80
	55	0	17	68
	56	0	05	72
	54/ए/बी	0	04	16
	53	0	08	45
	52	0	08	32
	51	0	11	18
	37	0	00	18
	34	0	12	74

[सं. O-12016/105/91-ओ एन जी डी-IV]

S.O. 3165.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from D-21-22 to Junction Point in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission,

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from D-21-22 to Junction Point.

State : Gujarat District : Bharuch Taluka:Jambusar

Village	Block No.	Hect.	Are	Centi-are
Kahanwa	Cart track	0	01	80
	55	0	17	68
	56	0	05	72
	54/A/B	0	04	16
	53	0	08	45
	52	0	08	32
	51	0	11	18
	37	0	00	18
	34	0	12	74

[No. O-12016/105/91-ONGC-D-IV]

का.आ. 3166.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में साउथ सन्थाल सी.टी.एफ. से नार्थ कडी जी.जी. एस-1 तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिमूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

दक्षिण सन्थाल सी.टी.एफ. से उत्तर कड़ी जी.जी.एम. 1 तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला व तालुका : मेहसाना

गांव	ब्लॉक नं.	हेक्टेयर	आर.	सेंटीयर
कसलपुर	580	0	02	85
	579	0	04	85
	578	0	03	55
	577	0	00	90
	554	0	02	40
	555	0	00	75
	576	0	06	25
	558	0	02	40

[सं. O-12016/106/91-ओ एन जी डी-4]

S.O. 3166—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from South Santbal C.T.F. to North Kadi G.G.S.I. in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline South Santbal CTF to North Kadi GGS I.

State : Gujarat District & Taluka : Mehsana

Village	Block No.	Hect.	Are	Centi.
Kasalpur	580	0	02	85
	579	0	04	85
	578	0	03	55
	577	0	00	90
	554	0	02	40
	555	0	00	75
	576	0	06	25
	558	0	02	40

[No. O-12016/106/91-ONGD-IV]

का.आ. 3167 ---यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात

राज्य में माउथ सन्थाल सी.टी.एफ. से नार्थ कड़ी जी.जी.एम-1 तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

दक्षिण सन्थाल सी.टी.एफ. से उत्तर कड़ी जी.जी.एम-1 तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात		जिला व तालुका : मेहसाना		
गांव	ब्लाक नं.	हेक्टेयर	आर.	सेंटीयर
1	2	3	4	5
जोटाणा	1126	0	01	25
	1125	0	03	15
	1124	0	01	50
	काटं ट्रेक	0	00	55
	1123	0	02	60
	1088	0	02	40
	1089	0	02	10
	1085	0	01	60
	1083	0	02	80
	1082	0	03	30
	1081	0	01	45
	1080	0	01	50
	1071	0	03	20
	1072	0	02	25
	1073	0	01	80
	1057	0	01	50
	1056	0	02	50
	1054	0	02	75
	1059	0	01	25
	काटं ट्रेक	0	00	75

1	2	3	4	5
	1023	0	06	50
	1021	0	03	14
	कार्ट ट्रैक	0	00	75
	1018	0	01	50
	980	0	12	10

[सं. O-12016/107/91-ओ एन जी डी-IV]

S.O. 3167.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from South Santhal C.T.F. to North Kadi G.G.S.I. in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pip. line from South Santhal CTF to North Kadi
GGS I.

State : Gujarat District & Taluka : Mehsana				
Village	Block No.	Hect.	Are	Centi.
1	2	3	4	5
Jotana	1126	0	01	25
	1125	0	03	15
	1124	0	01	50
	Cart track	0	00	55
	1123	0	02	60
	1088	0	02	40
	1089	0	02	10
	1085	0	01	60
	1083	0	02	80
	1082	0	03	30
	1081	0	01	45
	1080	0	01	50
	1071	0	03	20
	1072	0	02	25
	1073	0	01	80
	1057	0	01	50
	1056	0	02	50
	1054	0	02	75
	1059	0	01	25
	Cart track	0	00	75
	1023	0	06	50
	1021	0	03	14

1	2	3	4	5
	Cart track	0	00	75
	1018	0	01	50
	980	0	12	10

[No. O-12016/107/91-ONGD-IV]

का. आ. 3168—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में साउथ सन्थाल सी. टी. एफ. से नार्थ कडी जी. जी. एस. — 1 तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एनदपाबद्ध अनुगूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एनद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप मक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

साउथ सन्थाल सी. टी. एफ. से नार्थ कडी जी. जी. एस-1 तक पाइप लाइन बिछाने के लिए :—

राज्य : गुजरात जिला और तालुका : मेहसाणा

गांव	सर्वे नं.	हेक्टेयर	आरे	मेन्टीयर
1	2	3	4	5
इजपुरा	617	0	02	84
	624	0	09	15
कार्ट ट्रैक		0	00	75
	621	0	02	50
	622	0	04	48
	623	0	16	75
	577	0	00	32
	578	0	05	75
	571	0	03	50

1	2	3	4	5
	570	0	04	70
	कार्ट ट्रैक	0	00	40
	645	0	03	60
	कार्ट ट्रैक	0	01	35
	646	0	01	50
	647	0	03	60
	652	0	04	20
	651	0	04	80
	655	0	17	75
	656	0	06	20

[म. ओ - 12016/108/91-ओ एन जी डी - 4]

S.O. 3168.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from South Santhal C.T.F. to North Kadi G.G.S-I in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from South Santhal CTF. to North Kadi GGS-I

State : Gujarat	District & Taluka : Mehsana			
Village	Survey No.	Hect.	Ac.	Centi-
				are
IJPURA	617	0	02	85
	624	0	09	15
	Cart track	0	00	75
	621	0	02	50
	622	0	04	48
	623	0	16	75
	577	0	00	32
	578	0	05	75
	571	0	03	50
	570	0	04	70
	Cart track	0	00	40
	645	0	03	60
	Cart track	0	01	35
	646	0	01	50
	647	0	03	60
	652	0	04	20
	651	0	04	80
	655	0	17	75
	656	0	06	20

[No. O-12016/108/91-ONGD-IV]

का. आ. 3169—यतः केन्द्रीय सरकार को यह प्रतीत होना है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में माउथ मन्थाल सी. टी. एफ. से नार्थ कडी जी. जी. एम-1 तक पेट्रोलियम के पम्पिङ्ग के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों के प्रयोजन को बिछाने के प्रयोजन के लिए एतद्पावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति; उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप समक्ष प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी भी विधि व्यवसायों की माफ़त।

अनुसूची

माउथ मन्थाल सी. टी. एफ. से नार्थ कडी जी. जी. एम - 1 तक पाइप लाइन बिछाने के लिए :—

राज्य - गुजरात जिला - अहमदाबाद तालुका - विरमगाम

गांव	सर्वे नं.	हेक्टेयर	आरे	सेन्टीयर
1	2	3	4	5
भटारिया	78	0	02	70
	77/1	0	01	10
	76	0	06	00
	कार्ट ट्रैक	0	00	75
	74/5/ए	0	01	80
	74/4	0	00	75
	74/6	0	01	60
	73/2	0	01	15
	72/2	0	00	40
	72/1	0	03	50

[म. ओ - 12016/109/91 - ओ एन जी डी - 4]

S.O. 3169.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from South Santhal C.T.F. to

North Kadi G.G.S-I in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from South Santhal CTF to North KADI
GGs-I

State : Gujarat District: Ahmedabad Taluka: Vira-
gam

Village	Survey No.	Hect- are	Are	Centi- are
Bhatariya	78	78	02	70
	77/1	0	01	10
	76	0	06	00
	Cart track	0	00	75
	74/5/A	0	01	80
	74/4	0	00	75
	74/6	0	01	60
	73/2	0	01	15
	72/2	0	00	40
	72/1	0	03	50

[No. O-12016/109/91-ONGD-IV]

का. आ. 3170—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में सोमासन जी. जी. एस. -II से सी. टी. एफ. सोमासन तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा 1 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्त कि उक्त भूमि में हितबद्ध कोई व्यक्ति; उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप समक्ष प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग,

मकरपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

सोमासन जी. जी. एस. -II से सी. टी. एफ.
सोमासन तक पाइप लाइन बिछाने के लिए।

राज्य - गुजरात जिला एवं तालुका - महेसाणा

गांव	प्लॉक नं.	हक्तेयर	आरे	सेन्टीयर
1	2	3	4	5
जागदेन	463	0	01	25
	467	0	01	15
	466	0	03	70
	465	0	06	78
	472	0	01	40
कार्ट ट्रैक		0	00	55
	637	0	03	60
	611	0	06	10
कार्ट ट्रैक		0	00	20
	610	0	01	60
	615	0	03	65
कार्ट ट्रैक		0	00	60
	607	0	05	45
	535	0	04	50
	534	0	03	85
	533	0	01	28
	532	0	01	60
	537	0	01	93
कार्ट ट्रैक		0	00	48
	531	0	00	23
	544	0	02	80
	549	0	02	05
कार्ट ट्रैक		0	00	15
	559	0	07	40
	560	0	00	50
	561	0	02	40
	562	0	02	90
कार्ट ट्रैक		0	00	30
	565	0	04	30
	567	0	03	75
	1013	0	04	25

1	2	3	4	5	1	2	3	4	5
	1026	0	03	60	Jagudan	465	0	06	78
	1017	0	03	05		472	0	01	40
	कार्ट ट्रैक	0	00	30		Cart track	0	00	55
	1050/1	0	06	65		637	0	03	60
	1051	0	05	20		611	0	06	10
	1048	0	00	08		Cart track	0	00	20
	1045/2	0	04	22		610	0	01	60
	1046	0	01	02		615	0	03	65
	1045/1	0	00	63		Cart track	0	00	60
	1044/2	0	02	37		607	0	05	45
	1058	0	04	35		535	0	04	50
	कार्ट ट्रैक	0	00	15		534	0	03	85
	1061	0	05	33		533	0	01	28
	1054	0	00	27		532	0	01	60
	1062	0	07	48		537	0	01	93
	1079	0	00	35		Cart track	0	00	48
	1080	0	03	55		531	0	03	23
	1078	0	03	00		544	0	02	80
	1077	0	01	40		549	0	01	05
						Cart track	0	00	15
						559	0	08	40
						560	0	00	50
						561	0	02	40
						562	0	02	90
						Cart track	0	00	30
						565	0	04	30
						567	0	03	75
						1013	0	04	25
						1026	0	03	60
						1017	0	03	05
						Cart track	0	00	30
						1050/1	0	06	65
						1051	0	05	20
						1048	0	00	08
						1045/2	0	04	22
						1046	0	01	02
						1045/1	0	00	63
						1044/2	0	02	37
						1058	0	04	35
						Cart track	0	00	15
						1061	0	05	33
						1054	0	00	27
						1062	0	07	48
						1079	0	00	35
						1080	0	03	55
						1078	0	03	00
						1077	0	01	40

[सं. ओ - 12016/110/91 - ओ एन जी डी -4]

S.O. ---Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from Sabhasan G.G.S-II to C.T.F. Sabhasan in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby transport of the petroleum from Sabhasan G.G.S-II to C.T.F.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from Sobhasan GGS-II to CTF Sobhasan

State : Gujarat District & Taluka : Mehsana

Village	Block No.	Hect. Are	Centi-are	
1	2	3	4	5
Jagudan	463	0	01	25
	467	0	01	15
	466	0	03	70

[No. O-12016/110/91-ONGD-IV]

का. आ. 3171.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में सोभासन जी. जी. एस. II से सी. टी. एफ. सोभासन तक

पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

वर्णित कि उक्त भूमि में हितवन्त कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप समक्ष प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडौदा - 9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी मुनबाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायों की मार्फत।

अनुसूची

सोभासन जी. जी. एम. -II से सी. टी. एफ. सोभासन तक पाइप लाइन बिछाने के लिए :—

राज्य - गुजरात जिला एवं तालुका - मेहेसाणा

गांव	ब्लॉक नं.	हेक्टेयर आरे	सेन्टीयर	
1	2	3	4	5
पूनासन	404/2	0	05	15
	360	0	01	37
	403	0	00	95
	372	0	02	98
	402	0	00	05
	373	0	04	60
	374	0	03	90
	393	0	00	36
	392	0	03	20
कार्ट ट्रैक		0	01	05
	391	0	02	78
	390	0	04	22
	389	0	00	31
	432	0	01	05
	433	0	01	75
	434	0	02	35
कार्ट ट्रैक		0	00	25
	90	0	01	50
	4	0	02	70

1	2	3	4	5
	3	0	02	55
	कार्ट ट्रैक	0	00	00
	68	0	05	95
	73	0	00	08
	87	0	01	31
	74	0	01	11
	86	0	06	08
	80	0	00	98
	82	0	05	56
	81	0	00	78

[सं. ओ - 12016/111/91 - ओ एन जी डी-IV]

S.O. 3171—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from Sobhasan G.G.S.II to C.T.F. Sobhasan in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from Sobhasan GGS II to CTF Sobhasan

State : Gujarat District & Taluka : Mehsana

Village Block No. Hect Are Centi-are

Village	Block No.	Hect	Are	Centi-are
Punasan	404/2	0	05	15
	360	0	01	37
	403	0	00	95
	372	0	02	98
	402	0	00	05
	373	0	04	60
	374	0	03	90
	393	0	00	36
	392	0	03	20
	Cart track	0	01	05
	391	0	02	78
	390	0	04	22
	389	0	00	31
	432	0	01	05
	433	0	01	75
	434	0	02	35
	Cart track	0	00	25
	90	0	01	50

1	2	3	4	5
Punasam—Contd.	4	0	02	70
	3	0	02	55
	Cart track	0	00	20
	68	0	05	95
	73	0	00	08
	87	0	01	31
	74	0	01	11
	86	0	06	08
	80	0	00	98
	82	0	05	56
	91	0	00	78

[No. O-12016/111/91—ONGD-IV]

का. आ. 3172— यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में डब्ल्यू. एच. आई. - 10 से सोभासन जी. जी. एस./सी. टी. एफ. तक पेट्रोलियम के परिवहन के लिए पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप मक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा - 9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

डब्ल्यू. एच. आई. - 10 से सोभासन जी. जी. एस./सी. टी. एफ. तक पाइप लाइन बिछाने के लिए
राज्य - गुजरात जिला - मेहसाणा तालुका - कड़ी

गांव	ब्लॉक नं.	हेक्टेयर	आरे	सेन्टीयर
1	2	3	4	5
कुक्स	320	0	08	80
	314	0	04	20

1	2	3	4	5
कुक्स—जारी	313	0	08	50
	311	0	05	98
	312	0	01	71
	310/पी	0	20	96
	309	0	04	30
	कार्ट ट्रेक	0	00	42
	307	0	00	38
	299	0	06	45
	300	0	06	15
	303/पी	0	05	10
	290/पी	0	00	43
	289	0	08	77
	283	0	13	60
	276	0	02	85

[सं. ओ - 12016/112/91—ओ एन.जी.डी -IV]

S.O. 3172.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from WHI—10 to Sobhasan G.G.S./C.T.F. in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed to:—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from WHI—10 to Sobhasan GGS/CTF

State: Gujarat District : Mehsana Taluka : Kadi

Village	Block No.	Hect.	Are	Centi-are
1	2	3	4	5
Kukas	320	0	08	80
	314	0	04	20
	313	0	08	50
	311	0	05	98
	312	0	01	71
	310/P	0	20	96
	309	0	04	30
	Cart track	0	00	42
	307	0	00	38
	299	0	06	45
	300	0	06	15

1	2	3	4	5
Kukas—Contd.	303/P	0	05	10
	290/P	0	00	43
	289	0	08	77
	283	0	13	60
	276	0	02	85

[No. O-12016/112/91-ONGD-IV]

का. आ. 3173.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में उब्ल्यु. एच. आई.-10 से सोभासन जी. जी. एस./सी. टी. एफ. तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बशर्त कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप मक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

उब्ल्यु. एच. आई.-10 से सोभासन जी. जी. एस./
सी. टी. एफ. तक पाइप लाइन बिछाने के लिए

राज्य—गुजरात जिला एवं तालुका —महेसाणा

गांव	ब्लाक नं.	हेक्टेयर	आर	सेन्टीआर
	2	3	4	5
सोभासन	29	0	01	53
	कार्ट ट्रैक	0	00	95
	31	0	08	73
	कार्ट ट्रैक	0	00	45
	47	0	04	50
	43	0	01	28
	46/1	0	00	90
	45	0	03	75
	44	0	01	30

	2	3	4	5
सोभासन—जारी	60	0	00	16
	39	0	03	15
	65	0	03	20
	64	0	00	09
	68	0	03	70
	67	0	01	30
	66	0	03	50
कार्ट ट्रैक	0	00	35	
	81	0	02	60
	82	0	04	80
	83	0	00	65
	84	0	01	75

[सं. ओ—12016/113/91—ओ एन जी डी-IV]

S.O. 3173.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from WHI-10 to Sobhasan G.G.S./C.T.F. in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from WHI-10 to Sobhasan GGS/CTF.

State: Gujarat District & Taluka : Mehsana

Village	Block No.	Hect.	Are	Centi-are
1	2	3	4	5
Sobhasan	29	0	01	53
	Cart track	0	00	95
	31	0	08	73
	Cart track	0	00	45
	47	0	04	50
	43	0	01	28
	46/1	0	00	90
	45	0	03	75
	44	0	01	30
	60	0	00	16
	39	0	03	15
	65	0	03	20
	64	0	00	09
	68	0	03	70

1	2	3	4	5
Sobhasan-contd	67	0	01	30
	66	0	03	50
	Cart track	0	00	35
	81	0	02	60
	82	0	04	80
	83	0	00	65
	84	0	01	75

[No. O-12016/113/91-ONGD-IV]

का. आ. 3174.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में डब्ल्यू. एच. आई.-10 से सोभासन जी. जी. एस. सी. टी. एफ. तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूचा में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन), अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा 1 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

वर्णित कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मुतबाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

डब्ल्यू. एच. आई.-10 से सोभासन जी. जी. एस./
सी. टी. एफ. तक पाइप लाइन बिछाने के लिए

राज्य—गुजरात जिला एवं तालुका—मेहसाणा

गांव	ब्लॉक नं.	हेक्टेयर आर	मेन्टीआर	
1	2	3	4	5
हेबुवा	178	0	00	55
	288	0	01	00
	160	0	04	18
	165	0	05	70
कार्ट ट्रैक		0	00	40
	166	0	04	90

1	2	3	4	5
हेबुवा—जारी	167	0	00	28
	117	0	03	50
	116	0	04	10
	109	0	08	60
	112	0	04	15
	106	0	04	00
	99	0	05	75
	96	0	05	16
	100	0	02	90

[सं. ओ.—12016/114/91—ओ एम जी डी-IV]

S.O. 3174.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from WHI-10 to Sobhasan G.G.S./C.T.F. in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from WHI-10 to Sobhasan GGS/CTF.

State : Gujarat

District & Taluka : Mehsana

Village	Block No.	Hect.	Are	Centiare
Hebuvva	178	0	00	55
	288	0	01	00
	160	0	04	18
	165	0	05	70
Cart track		0	00	40
	166	0	04	90
	167	0	00	28
	117	0	03	50
	116	0	04	10
	109	0	08	60
	112	0	04	15
	106	0	04	00
	99	0	05	75
	96	0	05	16
	100	0	02	90

[No. O-12016/114/91-ONGD-IV]

का. आ. 3175.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में डब्ल्यू. एच. आई-10 से सोभासन जी. जी. एस./सी. टी. एफ. तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए ।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा 1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत ।

अनुसूची

डब्ल्यू. एच. आई.-10 से सोभासन जी. जी. एस./सी. टी. एफ. तक पाइप लाइन बिछाने के लिए:—

राज्य—गुजरात जिला एवं तालुका—मेहसाणा

गांव	सर्वे नं.	हेक्टेयर	आर	सेन्टीआर
पूनासन	113	0	00	15
	114	0	03	75
	115	0	01	42
	116	0	01	62
	127	0	05	30
	126	0	01	35

[सं. ओ.—12016/115/91—ओ. एन. जी. जी.-IV]

S.O. 3175.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from WHI-10 to Sobhasan such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto :

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed to :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Mine-

als pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

Pipeline from WHI-10 to Sobhasan GGS/CTF

State : Gujarat District & Taluka : Mehsana

Village	Survey No.	Hect.	Are	Centi-are
Punasan	113	0	00	15
	114	0	03	75
	115	0	01	42
	116	0	01	62
	127	0	05	30
	126	0	01	35

[No. O-12016/115/91-ONGD.IV]

का. आ. 3176.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में उत्तर कड़ी जी. जी. एस./सी. टी. एफ. से कड़ी जी. आई. डी. सी. तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए ।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा 1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है ।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की

अनुसूची

उत्तर कड़ी जी. जी. एम./सी. टी. एफ. से कड़ी जी. आई. डी. सी. तक पाइप लाइन बिछाने के लिए
राज्य—गुजरात जिला—मेहसाना तालुका—कड़ी

गांव	सर्वे नं.	हेक्टेयर	आर.	सेन्टीयर
चालामन	93	0	04	13
	71	0	05	37
	72	0	03	83
	73/पी	0	10	86
	74	0	04	48
	75/1	0	03	06
	75/3	0	05	50

[सं. ओ.—12016/116/91—ओएनजीडी-4]

S.O. 3176.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from North Kadi GGS/CTF to Kadi GIDC in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from North Kadi GGS/CTF to Kadi GIDC
State : Gujarat District: Mehsana Taluka: Kadi

Village	Survey No.	Hect.	Are	Centi-are
Chalasan	93	0	04	13
	71	0	05	37
	72	0	03	83
	73/P	0	10	86
	74	0	04	48
	75/1	0	03	06
	75/3	0	05	50

[No. O-12016/116/91-ONGD.IV]

का. आ. सं. 3177—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात

राज्य में उत्तर कड़ी जी. जी. एम./सी. टी. एफ. से कड़ी जी. आई. डी. सी. तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए ।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा 1 द्वारा प्रदत्त शक्तियों प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है ।

बशर्ते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप समक्ष प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, वडोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत ।

अनुसूची

उत्तर कड़ी जी. जी. एम./सी. टी. एफ. से कड़ी जी. आई. डी. सी. तक पाइप लाइन बिछाने के लिए ।
राज्य—गुजरात जिला—मेहसाना तालुका—कड़ी

गांव	प्लॉक नं.	हेक्टेयर	आर.	सेन्टीयर
1	2	3	4	5
सूरज	690	0	02	00
कार्ट ट्रैक		0	00	35
	695	0	06	25
	696	0	05	15
	697	0	06	15
	698	0	02	75
कार्ट ट्रैक		0	00	30
	708	0	03	95
कार्ट ट्रैक		0	00	15
	709	0	05	10
	711/पी	0	01	70
	713	0	07	20
	717	0	00	06
	720	0	05	99
	719	0	02	06
	722/पी	0	04	40

1	2	3	4	5	SCHEDULE
	570	0	05	55	Pipeline from North Kadi GGS/CTF to Kadi GIDC.
	569/2	0	02	25	State : Gujarat District : Mehsana Taluka : Kadi
	578	0	00	96	
	569/1	0	04	94	Village
	579	0	04	95	Block No.
	कार्ट ट्रैक	0	00	25	Hectare
	582	0	03	70	Are
	581	0	02	80	Cen-
	595	0	02	70	tiare
	596	0	08	65	
	600/1	0	01	25	
	600/2	0	02	75	
	601	0	04	40	
	कार्ट ट्रैक	0	00	25	
	507/1	0	05	45	
	506/1	0	05	40	
	506/2	0	01	95	
	505/1	0	01	90	
	505/2	0	02	10	
	486/1	0	00	95	
	486/2	0	03	70	
	488/1	0	00	85	
	487/1	0	02	55	
	487/3	0	02	02	
	487/4	0	00	95	
	493/1	0	03	50	
	492	0	02	35	
	491	0	01	20	

[सं. ओ-12016/117/91—ओएनजीसी-4]

S.O. 3177.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from North Kadi GGS/CTF to Kadi GIDC in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

[No. O-12016/117/91-ONGD-IV]

का. आ. 3178.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में उत्तर कड़ी जी.जी.एस./सी.टी.एफ. से कड़ी जी.आई.डी.सी. तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाखण्ड अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा 1 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उक्त भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप समर्थ प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड बड़ीदा 9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधी व्यवसायी की मार्फत।

अनुसूची

उत्तर कड़ी जी.जी.एस./सी.टी.एफ. से कड़ी जी.आई.डी.सी.
तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : मेहसाना तालुका : कड़ी

गांव	सर्वे नं.	हेक्टेयर	आर.	वैटीयर
1	2	3	4	5
दिगड़ी	13/पी	0	16	18
	12	0	04	08
	21	0	00	94
	कार्ट ट्रैक	0	00	30
	22	0	00	08
	77	0	02	50
	78	0	02	80
	79	0	06	10
	कार्ट ट्रैक	0	00	20
	80	0	05	15
	83/2	0	05	35
	85	0	06	55
	कार्ट ट्रैक	0	00	20
	142	0	00	08
	141	0	07	75
	140	0	07	70
	144	0	07	00

1	2	3	4	5
	147/2	0	08	50
	148	0	05	90

[सं. 0-12016/118/91-ओ एन जी डी-4]

S.O. 3178.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from North Kadi GGS/CTF to Kadi GIDC in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from North Kadi GGS/CTF to Kadi GIDC

State : Gujarat District : Mehsara Taluka : Kadi

Village	Survey No.	Hectare	Are	Centiare
Dighdi	13/P	0	16	18
	12	0	04	08
	21	0	00	94
	Cart track	0	00	30
	22	0	00	08
	77	0	02	50
	78	0	02	80
	79	0	06	10
	Cart track	0	00	20
	80	0	05	15
	83/2	0	05	35
	85	0	06	55
	Cart track	0	00	20
	142	0	00	08
	141	0	07	75
	140	0	07	70
	144	0	07	00
	147/2	0	08	50
	148	0	05	90

[No. 0-12016/118/91-ONGC-D-IV]

का.आ. 3179.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में उत्तरी कड़ी जी.जी.एस./सी.टी.एफ. से कड़ी जी.आई.

डी.सी. तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वाचक अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा 1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

अर्थात् कि उक्त भूमि में हितवद् कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप समक्ष प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ीदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः वह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या विधी व्यवसायी की मार्फत।

अनुसूची

उत्तर कड़ी जी.जी.एस./सी.टी.एफ. से कड़ी जी.आई.डी.सी. तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : मेहसाना तालुका : कड़ी

गांव	सर्वे नं.	हेक्टेयर	आर.	सेंटीय
नगरासन	25	0	09	77
	26	0	01	68
	37	0	03	68
	36	0	04	59
	47	0	06	25
	34	0	01	03
	48	0	03	30
	कार्ट ट्रैक	0	00	30
	57/2	0	01	70
	कार्ट ट्रैक	0	00	25
	58	0	02	56
	66	0	04	05
	68	0	05	95
	79	0	08	20

[सं. ओ-12016/119/91-ओ एन जी डी-4]

S.O. 3179.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from North Kadi GGS/CTF to Kadi GIDC in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline North Kadi GGS/CTF to Kadi GIDC

State : Gujarat District : Mehsana Taluka : Kadi

Village	Survey No.	Hec	Are	Centiare
Nagrasan	25	0	09	77
	26	0	01	68
	37	0	03	68
	36	0	04	59
	47	0	06	25
	34	0	01	03
	48	0	03	30
	Cart track	0	00	30
	57/2	0	01	70
	Cart track	0	00	25
	58	0	02	66
	66	0	04	05
	68	0	05	95
	69	0	08	20

[No. O-12016/119/91-ONGD-IV]

का. आ. 3180.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में उत्तर कड़ी जी.जी.एस./सी.टी.एफ. से कड़ी जी.आई.डी.सी. तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वाचक अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा 1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है।

बर्णते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप समक्ष प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

उत्तर कड़ी जी.जी.एस./सी.टी.एफ. से कड़ी जी.आई.डी.सी. तक पाइप लाइन बिछाने के लिए
राज्य : गुजरात; जिला : मेहसाना; तालुका : कड़ी

गांव	सर्वे नं.	हेक्टेयर	आर.	सेन्टीयर
विसलपुर	26	0	03	95
	24	0	04	62
	23	0	01	24
	18	0	11	10

[सं. ओ-12016/120/91-ओएनजीडी-4]

S.O. 3180.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from North Kadi GGS/CTF to Kadi GIDC in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from North Kadi GGS/CTF to Kadi GIDC.
State : Gujarat District : Mehsana Taluka : Kadi

Village	Survey No.	Hectare	Are	Centiare
1	2	3	4	5
Visalpur	26	0	03	95
	24	0	04	62
	23	0	01	24
	18	0	11	10

[No. O-12016/120/91-ONGD-IV]

का.आ. 3181.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में उत्तर कड़ी जी.जी.एस./सी.टी.एफ. से कड़ी जी.आई.डी.सी. तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बर्णते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिये, आक्षेप समक्ष प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

उत्तर कड़ी जी.जी.एस./सी.टी.एफ. से कड़ी जी.आई.डी.सी. तक पाइप लाइन बिछाने के लिये
राज्य : गुजरात जिला : मेहसाना तालुका : कड़ी

गांव	ब्लॉक नं.	हेक्टेयर	आर.	सेन्टीयर
1	2	3	4	5
आहुदरा	589/1/ए/बी	0	01	81
	589/2	0	01	21
	589/3	0	02	25
	589/4	0	00	45
	कार्ट ट्रैक	0	00	05
	589	0	02	65
	588	0	03	10
	586/2	0	02	90
	586/3	0	00	49
	606	0	18	92
	580	0	01	05
	862	0	04	20
	861	0	01	65
	863	0	08	86
	872/1	0	00	50
	872/2	0	04	25

SCHEDULE

1	2	3	4	5
	872/7	0	03	75
	876/1	0	02	10
	876/2	0	01	65
	876/3	0	02	05
	877	0	02	05
	880	0	02	00
	881	0	02	20
	882	0	01	35
	883	0	01	65
	885	0	03	10
	कार्ट ट्रैक	0	00	15
	893	0	02	10
	892	0	02	35
	897	0	02	30
	900	0	03	35
	903	0	04	05
	904	0	01	36
	कार्ट ट्रैक	0	00	32
	992	0	02	35
	993	0	03	70
	994/1	0	02	30
	994/2	0	00	35
	कार्ट ट्रैक	0	00	15
	1001	0	02	70
	1002	0	03	02
	1004	0	03	00
	1005	0	09	30
	कार्ट ट्रैक	0	00	15

[सं. ओ-12016/121/91-ओएनजीडी-4]

S.O. 3181.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from North Kadi GGS/CTF to Kadi GIDC in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner,

Pipeline from North Kadi GGS/CTF to Kadi GIDC
State : Gujarat District : Mehsana Taluka : Kadi

Village	Block No.	Hect-are	Are	Centiare
1	2	3	4	5
Adundara	589/1/A/B	0	01	80
	589/2	0	01	20
	589/3	9	02	25
	589/4	0	00	45
	Cart track	0	00	05
	589	0	02	65
	588	0	03	10
	586/2	0	02	90
	586/3	0	00	49
	606	0	18	92
	580	0	01	05
	862	0	04	20
	861	0	01	65
	863	0	08	86
	872/1	0	00	50
	872/2	0	04	25
	872/7	0	03	75
	876/1	0	02	10
	876/2	0	01	65
	876/3	0	02	05
	877	0	02	05
	880	0	02	00
	881	0	02	20
	882	0	01	35
	883	0	01	65
	885	0	03	10
	Cart track	0	00	15
	893	0	02	10
	892	0	02	35
	897	0	02	30
	900	0	03	35
	903	0	04	05
	904	0	01	36
	Cart track	0	00	32
	992	0	02	35
	993	0	03	70
	994/1	0	02	30
	994/2	0	00	35
	Cart track	0	00	15
	1001	0	02	70
	1002	0	03	02
	1004	0	03	00
	1005	0	09	30
	Cart track	0	00	15

[No. O-12016/121/91-ONGD-IV]

का.आ. 3182 —यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में उत्तर कड़ी जी.जी.एस./सी.टी.एम. से कड़ी जी.आई.डी.सी. तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है :

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप समक्ष प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

उत्तर कड़ी जी.जी.एस./सी.टी.एम. से कड़ी जी.आई.डी.सी. तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : मेहसाना तालुका : कड़ी

गांव	सर्वे नं.	हेक्टेयर	आर.	सेंटीयर
लक्ष्मीपुरा	205	0	04	15
	206/1/2	0	13	87
	243	0	03	00
	242	0	05	60
	241	0	06	35
	237	0	05	65

[सं० ओ-12016/122/91-ओ एन जी डी-4]

S.O. 3182.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from North Kadi GGS/CTF to Kadi GIDC in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makapura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from North Kadi GGS/CTF to Kadi GIDC
State : Gujarat District: Mehsana Taluka : Kadi

Village	Survey No.	Heet- are	Arc	Centi- tiare
Laxmipura	205	0	04	15
	206/1/2	0	13	87
	243	0	03	00
	242	0	05	60
	241	0	06	35
	237	0	05	65

[No. O-12016/122/91-ONGD-IV]

का.आ. 3183.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में उत्तर कड़ी जी.जी.एस./सी.टी.एम. से कड़ी जी.आई.डी.सी. तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित किया है :

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप समक्ष प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

उत्तर कड़ी जी.जी.एस./सी.टी.एफ. से कड़ी जी.आई.डी.
सी. तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : मेहसाना तालुका : कड़ी

गांव	ब्लाक नं.	हेक्टेयर	आर.	सेंटीयर
कड़ी	2028	0	03	65
	2029	0	08	65
कार्ट ट्रैक	0	00	35	
2001	0	06	10	
1998/4	0	05	75	
2007	0	02	25	
2008	0	01	60	
कार्ट ट्रैक	0	00	35	
1973	0	07	70	
1976	0	10	40	
1977	0	04	35	
1978	0	05	00	
1980	0	01	25	
2093	0	09	45	
कार्ट ट्रैक	0	00	25	
2091/पी	0	06	10	
2095	0	01	95	
17/8	0	06	45	
17/7	0	08	45	
7	0	05	00	
6/4	0	00	71	
6/5	0	03	64	
कार्ट ट्रैक	0	00	50	
202	0	04	70	
204	0	00	28	
203	0	08	18	
213	0	05	80	
222	0	03	92	

[सं.ओ-12016/123/91-ओ एन जी डी-4]

S.O. 3183.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from North Kadi GGS/CTF to Kadi GIDC in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to

the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pip. line from North Kadi GGS/CTF to Kadi GIDC
State : Gujarat District : Mehsana Taluka : Kadi

Village	Block No.	Hect- are	Ac-	Cent- iare
1	2	3	4	5
Kadi	2028	0	03	65
	2029	0	08	65
	Cart track	0	00	35
	2001	0	06	10
	1998/4	0	05	75
	2007	0	02	25
	2008	0	01	60
	Cart track	0	00	35
	1973	0	07	70
	1976	0	10	40
	1977	0	04	35
	1978	0	05	00
	1980	0	01	25
	2093	0	09	45
	Cart track	0	00	25
	2091/P	0	06	10
	2095	0	01	95
	17/8	0	06	45
	17/7	0	08	45
	7	0	05	00
	6/4	0	00	71
	6/5	0	03	64
	Cart track	0	00	50
	202	0	04	70
	204	0	00	28
	203	0	08	18
	213	0	05	80
	222	0	03	92

[No. O-12016/123/91-ONGD-IV]

का.आ. 3184.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में उत्तर कड़ी जी.जी.एस./सी.टी.एफ. से कड़ी जी.आई.डी.सी. तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962

का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आग्रह एतद्वारा घोषित किया है।

वर्णित कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप समक्ष प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिवृष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

उत्तर कड़ी जी.जी.एस./सी.टी.एफ. से कड़ी जी.आई.डी. सी. तक पाइप लाइन बिछाने के लिए
राज्य : गुजरात जिला : मेहसाना तालुका : कड़ी

गांव	ब्लॉक नं.	हेक्टेयर	आर.	सेंटीयर
1	2	3	4	5
कुन्डा	1/ बी	0	00	7 5
	793	0	06	85
	794	0	03	75
	790	0	09	00
	787	0	08	75
	781	0	02	28
	780	0	17	50
	778/पी	0	01	95
	777	0	04	90
	कार्ट ट्रैक	0	01	10
	775	0	02	00
	776/12	0	04	26
	646	0	00	09
	645/1	0	03	65
	कार्ट ट्रैक	0	00	70
	591	0	01	13
	592	0	01	03
	550	0	04	67
	549	0	00	25
	552	0	02	80
	553	0	00	09
	554	0	02	39
	556	0	00	95
	555	0	02	45
	545/1/2	0	03	48
	544	0	00	20
	कार्ट ट्रैक	0	00	60

[सं O-12016/124/91-ओ एन जी डी-4]

S.O. 3184.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from North Kadi GGS/CTF to Kadi GIDC in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodra-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from North Kadi GGS/CTF to Kadi GIDC.
State : Gujarat District: Mehsana Taluka : Kadi

Village	Block No.	Hect- are	Are	Centi- are
1	2	3	4	5
Kundal	1/B	0	00	75
	793	0	06	85
	794	0	03	75
	790	0	09	00
	787	0	08	75
	781	0	02	28
	780	0	17	50
	778/P	0	01	95
	777	0	04	90
	Cart track	0	01	10
	775	0	02	00
	776/1&2	0	04	26
	646	0	00	09
	645/1	0	03	65

1	2	3	4	5
	Cart track	0	00	70
	591	0	01	13
	592	0	01	03
	550	0	04	67
	549	0	00	25
	552	0	02	80
	553	0	00	09
	554	0	02	39
	556	0	00	95
	555	0	02	45
	545/1/2	0	03	48
	544	0	00	20
	Cart track	0	00	60
	452	0	00	55
	453	0	02	85
	454	0	02	10
	455	0	01	23
	456	0	02	50
	460/1A&1B	0	04	02
	459	0	02	20
	448	0	05	50
	438	0	05	10
	431	0	05	25

[No. O-12016/124/91-ONGD-IV]
M. MARTIN, Dest. Officer

नई दिल्ली, 16 दिसम्बर, 1991

का.आ. 3185.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम का गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और रसायन मंत्रालय की अधिसूचना संख्या का.आ. 2686 तारीख 13 अक्टूबर, 1990 द्वारा पेट्रोलियम के परिवहन के प्रयोजन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय की घोषणा की थी;

और राजपत्र अधिसूचना की प्रतियां जनता को तारीख 22 अक्टूबर, 1990 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करने

हुए, इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है;

यह और कि केन्द्रीय सरकार, उक्त धारा की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करने हुए, यह निदेश देती है कि उक्त भूमियों के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए सभी विलेखों से रहित, इंडियन ऑयल कारपोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : भनाऊ जिला : कच्छ राज्य : गुजरात

गांव का नाम	सर्वेक्षण सं.	क्षेत्रफल	हेक्टर	आर.	वर्ग मीटर
1	2	3	4	5	
नानी चौराई	393/1	00	39	60	
	392/2	00	23	40	
	403/1	00	48	60	
	403/2	00	00	90	
	409	00	18	00	
	414/2	00	05	76	
	415	00	12	60	
	6	00	20	70	
	5	00	16	20	
	4	00	18	00	
	3	00	09	00	
	2	00	18	00	
	53	00	18	90	
	54	00	41	40	
मोटी चौराई	546	00	25	56	
	549	00	25	56	
	450	00	23	58	
	365/2	00	09	90	
	367	00	24	66	
	316/2	00	00	99	
	316/1	00	09	90	
	250	00	43	20	
	213/2	00	26	64	
	210	00	20	70	
	208	00	23	58	
	205	00	27	54	
	204	00	02	88	
	203	00	27	54	
	199	00	25	46	
	198	00	21	60	
	197	00	23	58	

1	2	3	4	5	1	2	3	4	5
चौपड़ा	326	00	23	94	सामग्रीआली	45/2	00	31	86
	325	00	10	80		244	00	19	08
	327/1]	00	12	78		249	00	56	52
	291	00	52	20		217	00	19	98
	293	00	01	98		201	00	28	26
	290	00	09	18		202	00	31	86
						195	00	10	98
भचक्र	1202	00	27	90		194	00	21	96
	1199	00	43	20	घरणा	195	00	16	92
	1219	00	40	50		158	00	11	34
छाटवाला	800	00	31	68		194	00	07	56
	799	00	15	84		159/1	00	23	40
	810	00	15	84		157	00	19	44
	809	00	21	06		160	00	40	50
	812	00	28	08		152	00	04	23
	836	00	26	16		153	00	02	07
	835/1	00	15	84		131	00	12	60
	835/2	00	03	06		151/1	00	00	45
	819	00	18	54		151/2	00	05	49
	832/1	00	05	22		132	00	21	78
	831	00	09	72		148/2	00	01	26
	823	00	21	06		145	00	55	80
	827	00	52	92		139	00	25	20
	826	00	13	14		138	00	25	10
	825	00	13	14		119	00	14	40
	567	00	22	86		121/1	00	14	40
	566	00	36	00		121/2	00	13	50
	565	00	28	98		121/3	00	05	04
	559/2	00	22	86		120	00	03	42
	506	00	24	66		66	00	16	92
	507/2	00	14	04		67	00	14	40
	497	00	22	86		64	00	25	20
	496	00	21	96		63	00	08	46
	464	00	50	22		50/1	00	14	40
	476	00	36	90		54/1	00	13	50
	477	00	49	14		55/2	00	07	56
	483	00	14	04		55/3	00	06	84
	479	00	14	94		55/1	00	13	50
	480	00	42	30		20	00	35	46
	481	00	08	82		21	00	24	30
	396	00	17	64	लाकड़ीया	715	00	24	66
	563	00	26	46		713	00	30	78
	594	00	32	58		714	00	06	57
	596	00	00	90		712	00	10	26
	595	00	17	64		719	00	39	06
	597	90	38	70		735	00	49	32

1	2	3	4	5	1	2	3	4	5
लाकडीया	736	00	18	36	लाकडीया	1159	00	24	66
(क्रमशः)	738	00	11	16	(क्रमशः)	1167	00	13	32
	743/1	00	25	56		1168	00	23	58
	740	00	03	96					
	741	00	20	52	शिवलाखा	717	00	15	66
	750	00	16	38		705/2	00	05	58
	751	00	16	38		706/1	00	02	70
	752	00	24	66		706/2	00	08	28
	759(2)	00	28	80		707/1	00	09	18
	758	00	27	72		707/2	00	07	38
	769	00	82	44		707/4	00	08	28
	777/1	00	15	30		703	00	03	60
	777/2	00	17	28		702/1	00	12	96
	784	00	24	66		708	00	05	58
	785/1	00	10	98		699/2	00	08	28
	786	00	13	20		699/1	00	10	08
	787	00	16	38		695/3	00	15	66
	788/1	00	23	58		698	00	18	36
	788/2	00	17	28		597	00	20	34
	799/2	00	22	50		388	00	77	40
	799/1	00	24	66		377/2	00	20	34
	800	00	01	53		377/1	00	40	50
	826/3	00	09	18		379	00	25	74
	825/3	00	26	82		380	00	30	42
	825/2	00	03	06		382	00	06	48
	824	00	16	38		381	00	36	90
	833	00	26	82		362	00	06	48
	822	00	15	30		363	00	39	60
	1082	00	03	06		358	00	07	38
	1083	00	32	94		603	00	10	98
	1084/1	00	22	50		352	00	33	12
	1084/2	00	12	24		353/1	00	07	38
	1085/3	00	06	21		320	00	03	60
	1092/1	00	06	12		321/1	00	20	34
	1090/1	00	10	08		321/2	00	29	52
	1091/1	00	00	99		323	00	34	92
	1091/2	00	10	98		344/1	00	10	98
	1091/3	00	06	12		344/2	00	66	24
	1091/4	00	08	28		340/2	00	23	04
	1089/1	00	09	00		340/1	00	27	54
	1149	00	08	10		280	00	02	70
	1150/1	00	26	82		279/2	00	27	54
	1150/2	00	10	08		278	00	38	34
	1150/3	00	00	90					
	1152	00	12	24					
	1153	00	16	38					

New Delhi, the 16th December, 1991

S.O. 3185.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Chemicals No. S.O. 2686, dated 13th October, 1990 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum;

And whereas the copies of the Gazette notification were made available to the public on 22nd October, 1990;

And whereas the Competent Authority in pursuance of sub-section (1) of section 6 of the said act has made his report to the Central Government:

And whereas the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further in exercise of the powers conferred by sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Indian Oil Corporation Limited.

SCHEDULE

Tehsil : Bhachau District : Kachchh State : Gujarat

Name of Village	Survey No.	Area		
		Hactare Are Sq. Meter		
1	2	3	4	5
Nani Chirai	393/1	00	39	60
	392/2	00	23	40
	403/1	00	48	60
	403/2	00	00	90
	409	00	18	00
	414/2	00	05	76
	415	00	12	60

1	2	3	4	5
	6	00	20	70
	5	00	16	20
	4	00	18	00
	3	00	09	00
	2	00	18	00
	53	00	18	90
	54	00	41	40
Moti Chirai	546	00	25	56
	549	00	25	56
	450	00	23	58
	365/2	00	09	90
	367	00	24	66
	316/2	00	00	99
	316/1	00	09	90
	250	00	43	20
	213/2	00	26	64
	210	00	20	70
	208	00	23	58
	205	00	27	54
Chopadva	204	00	02	88
	203	00	27	54
	199	00	35	46
	198	00	21	60
	197	00	23	58
	326	00	23	94
	325	00	10	80
Bhachau	327/1	00	12	78
	291	00	52	20
	293	00	01	98
	290	00	09	18
	1202	00	27	90
Chhadvala	1199	00	43	20
	1219	00	40	50
	800	00	31	68
	799	00	15	84
	810	00	15	84
	809	00	21	06
	812	00	28	08
	836	00	26	46
	835/1	00	15	84
	835/2	00	03	06
	819	00	18	54
	832/1	00	05	22
	831	00	09	72
	823	00	21	06
	827	00	52	92
	826	00	13	14
	825	00	13	14
	567	00	22	86
	566	00	36	00
	565	00	28	98
	559/2	00	22	86

1		3	4	5		1	2	3	4	5
Chhadvala	506	00	24	66			55/1	00	13	50
	507/2	00	14	04			20	00	35	46
	497	00	22	86			21	00	24	30
	496	00	21	96	Lakadiya		715	00	24	66
	464	00	50	22			713	00	30	78
	476	00	36	90			714	00	06	57
	477	00	49	14			712	00	10	26
	483	00	14	04			719	00	39	06
	479	00	14	94			735	00	49	32
	480	00	42	30			736	00	18	36
	481	00	08	82			738	00	11	16
	396	00	17	64			743/1	00	25	56
	593	00	26	46			740	00	03	96
	594	00	32	58			741	00	20	52
	596	00	00	90			750	00	16	38
	595	00	17	64			751	00	16	38
	597	00	38	70			752	00	24	66
							759/2	00	28	80
						758	00	27	72	
Samkhiali	245/2	00	31	86			769	00	82	44
	244	00	19	08			777/1	00	15	30
	249	00	56	52		777/2	00	17	28	
	217	00	19	98		784	00	24	66	
	201	00	28	26		785/1	00	10	98	
	202	00	31	86		786	00	43	20	
	195	00	10	98		787	00	16	38	
	194	00	21	96		788/1	00	23	58	
Garana	195	00	16	92		788/2	00	17	28	
	158	00	11	34		799/2	00	22	50	
	194	00	07	56		799/1	00	24	66	
	159/1	00	23	40		800	00	01	53	
	157	00	19	44		826/3	00	09	18	
	160	00	40	50		825/3	00	26	82	
	152	00	04	23		825/2	00	03	06	
	153	00	02	07		824	00	16	38	
	131	00	12	60		823	00	26	82	
	151/1	00	00	45		822	00	15	30	
	151/2	00	05	49		1082	00	03	06	
	132	00	21	78		1083	00	32	94	
	148/2	00	01	26		1084/1	00	22	50	
	145	00	55	80		1084/2	00	12	24	
	139	00	25	20		1084/3	00	06	12	
	138	00	25	10		1092/1	00	06	12	
	119	00	14	40		1090/1	00	10	08	
	121/1	00	14	40		1091/1	00	00	99	
	121/2	00	13	50						
	121/3	00	05	04						
	120	00	03	42		1091/2	00	10	98	
	66	00	16	92		1091/3	00	06	12	
	67	00	14	40		1091/4	00	08	28	
	64	00	25	20		1089/1	00	09	00	
	63	00	08	46		1149	00	08	10	
	50/1	00	14	40		1150/1	00	26	82	
	54/1	00	13	50		1150/2	00	10	08	
	55/2	00	07	56		1150/3	00	00	90	
	55/3	00	06	84		1152	00	12	24	

1	2	3	4	5
	1153	00	16	38
	1159	00	24	66
	1167	00	13	32
	1168	00	23	58
Shivlakha	717	00	15	66
	705/2	00	05	58
	706/1	00	02	70
	706/2	00	08	28
	707/1	00	09	18
	707/2	00	07	38
	707/4	00	08	28
	703	00	03	60
	702/1	00	12	96
	708	00	05	58
	699/2	00	08	28
	699/1	00	10	08
	695/3	00	15	66
	698	00	18	36
	597	00	20	34
	388	00	77	40
	377/2	00	20	34
	377/1	00	40	50
	379	00	25	74
	380	00	30	42
	382	00	06	48
	381	00	36	90
	362	00	06	48
	363	00	39	60
	358	00	07	38
	603	00	10	98
	352	00	33	12
	3 3/1	00	07	38
	320	00	03	60
	321/1	00	20	34
	321/2	00	29	52
	323	00	34	92
	344/1	00	10	98
	344/2	00	66	24
	340/2	00	23	04
	340/1	00	27	54
	280	00	02	70
	279/2	00	27	54
	278	00	38	34

[No. O-31015/7/89-OR-I]

का. आ. 3186—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और रसायन मंत्रालय की अधिसूचना संख्या का. आ. 2687

तारीख 13 अक्तूबर, 1990 द्वारा पेट्रोलियम के परिवहन के प्रयोजन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना में उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय को घोषणा की थी ;

और राजपत्र अधिसूचना की प्रतियां जनता को तारीख 22 अक्तूबर, 1990 को उपलब्ध करा दी गई थी ;

और मक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना में उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार का अर्जन किया जाए ;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना में उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जन करने की घोषणा करती है ;

यह और कि केन्द्रीय सरकार, उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमियों के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय सभी विल्लंगमों में रहित, इंडियन आयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील — अंजार जिला — कच्छ राज्य — गुजरात

गांव का नाम	सर्वेक्षण संख्या	क्षेत्रफल		
		हेक्टेयर	आरे	बर्गमीटर
1	2	3	4	5
मीठीरोहर	160	00	17	10
	161	00	43	20
	169	00	36	00
	95	00	41	40
	90/1	00	24	30
	89/1	00	20	70
	89/2	00	06	30
	73/3	00	16	20
	75/1	00	46	80
	75/2	00	07	20
	76	00	27	00
	81	00	10	80
	77	00	36	00
	78	00	16	20

1	2	3	4	5
चुडवा	147	00	43	20
	161	00	52	20
	160	00	31	50
	159	00	18	00
	158	00	19	80
	157	00	18	00
	156	00	23	40
	155	00	12	60
	42	00	15	30
	41	00	17	10
	40	00	09	00
	39	00	24	30
	38/4	00	09	00
	38/3	00	09	00
	38/2	00	09	90
	21/3	00	10	80
	24	00	25	20
पञ्जाणा	119/4	00	12	60
	213	00	27	00
	139/1	00	14	40
	141	00	30	60
वरसाणा	124/1	00	09	00
	124/2	00	32	40
	126	00	06	30
	125	00	36	00
	129	00	21	60
	128	00	17	10
	129	00	12	60
	128	00	09	00
	129	00	13	50
	67	00	34	20
	68	00	33	30
	71	00	39	60
	73	00	34	50
	76	00	13	50

[सं. ओ - 31015/7/89 - ओ. आर. - I]

कुलदीप सिंह, भवर सचिव

S.O. 3186.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Chemicals No. S.O. 2687, dated the 13th October, 1990, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the

lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum ;

And whereas the copies of the Gazette notification were made available to the public on 22nd October, 1990 ;

And whereas the Competent Authority in pursuance of sub-section (1) of Section 6 of the said Act has made his report to the Central Government ;

And whereas the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired ;

And further in exercise of the powers conferred by sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Indian Oil Corporation Limited.

SCHEDULE

Tehsil Anjar	District Kachchh	State Gujarat		
Name of Village	Survey No.	Area		
		Hec- ter	Are	Sq. M.
1	2	3	4	5
Mithirohar	160	00	17	10
	161	00	43	20
	169	00	36	00
	95	00	41	40
	90/1	00	24	30
	89/1	00	20	70
	89/2	00	06	30
	73/3	00	16	20
	75/1	00	46	80
	75/2	00	07	20
	76	00	27	00
	81	00	10	80
	77	00	36	00
	78	00	16	20
Chudva	147	00	43	20
	161	00	52	20
	160	00	31	50
	159	00	18	00
	158	00	19	80
	157	00	18	00
	156	00	23	40

1	2	3	4	5
	155	00	12	60
	42	00	15	30
Chudva	41	00	17	10
	40	00	09	00
	39	00	24	30
	38/4	00	09	00
	38/3	00	09	00
	38/2	00	09	90
	21/3	00	10	80
	24	00	25	20
Padana	119/4	00	12	60
	213	00	27	00
	139/1	00	14	40
	141	00	30	60
Varsana	124/1	00	09	00
	124/2	00	32	40
	126	00	06	30
	125	00	36	00
	129	00	21	60
	128	00	17	10
	129	00	12	60
	128	00	09	00
	129	00	13	50
	67	00	34	20
Varsana	68	00	33	30
	71	00	39	60
	73	00	34	20
	76	00	13	50

[No. O-31015/7/89- O.R. I]
KULDIPSINGH. Under Secy.

(पेट्रोलियम और नैसर्गिक वायु विभाग)

नई दिल्ली, 17 दिसम्बर, 1991

का. आ. 3187-यतः पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. (922) दिनांक 14-3-1991 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईप लाईनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया है।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः सक्षम सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईप लाईन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार के विहीत होने की बजाय गैस अथॉरिटी ऑफ इंडिया (भारत सरकार का उपक्रम) गैल बिल्डिंग 16 भिकाजी कामा प्लेस, आर. के. पुरम, रिंग रोड, नई दिल्ली - 110 066 में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को विहीत होगा।

अनुसूची						
राज्य-महाराष्ट्र		तहसील-अलीबाग		जिला-रायगढ़		
ग्राम	सर्वे नं.	हिस्सा नं.	गाटा नं.	क्षेत्रफल	हेक्टेयर	आर. से. आर.
1	2	3	4	5	6	7
टुडल	1	1-बी	—	0	08	70
		पार्ट				

[सं. ओ - 14016/1/91 - जी. पी.]

(Department of Petroleum and Natural Gas)

New Delhi, the 17th December, 1991

S.O. 3187.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 922, dated 14-3-91 under sub-section 1 of section 3 of the Petroleum and Minerals pipe lines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declares its intention to acquire the Right of User in the lands specified in the Schedule appended to that Notification for the purpose of laying Gas pipe line.

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government,

And further whereas the Central Government has, after considering the said report decided to acquire the Right of User in the lands specified in the schedule appended to this Notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the Right of User in the said lands specified in the schedule appended to the Notification hereby acquired for laying the Gas pipe line.

And further in exercise of powers conferred by sub-section (4) of the section 6, the Central Government directs that the Right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India, (A Government of India undertaking) GAIL Building, 16 Bhikaji Cama place, R. K. Puram, Ring Road, New Delhi 110066 free from encumbrance.

SCHEDULE

State : Maharashtra District : Raigad Tahasil : Alibag

Village	Survey Number	Hissa Number	Gat No.	Area		
				Hector	Are	C. Are
Tudal	1	1-B Part	—	0	08	70

[No. O-14016/1/91—GP]

का. भा. 3188—यतः पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. भा. (923) दिनांक 14-3-1991 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईप लाईनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया है।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईप लाईन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार के विहित होने की वजाय गैल अथॉरिटी ऑफ इंडिया (भारत सरकार का उपक्रम) गैल बिल्डिंग 16 भिकाजी कामा प्लेस, आर. के. पुरम, रिंग रोड, नई दिल्ली - 110 066 में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को विहीत होगी।

अनुसूची

राज्य - महाराष्ट्र जिला - रायगढ़ तहसील - अलिबाग						
गांव	सर्वे नं.	हिस्सा गट		क्षेत्रफल		
		नंबर	नं.	हेक्टर	आर	सें. आर.
1	2	3	4	5	6	7
गुंजीस	33	1 भाग	—	0	02	96
	45	4-ए भाग	—	0	02	85

[स. ओ - 14016/1/91 - जी पी]

S.O. 3188.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 923, dated 14-3-91 under sub-section 1 of section 3 of the Petroleum and Minerals pipe lines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declares its intention to acquire the Right of User in the lands specified in the schedule appended to that Notification for the purpose of laying Gas pipe line.

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government,

And further whereas the Central Government has, after considering the said report decided to acquire the Right of User in the lands specified in the schedule appended to this Notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the Right of User in the said lands specified in the schedule appended to the Notification hereby acquired for laying the Gas pipe line.

And further in exercise of powers conferred by sub-section (4) of the section 6, the Central Government directs that the Right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India, (A Government of India undertaking) GAIL Building, 16 Bhikaji Cama place, R. K. Puram, Ring Road, New Delhi 110066 free from encumbrance.

SCHEDULE

State : Maharashtra

District : Raigad

Tahsil : Alibag

Village	Survey Number	Hissa Number	Gat No.	Area		
				Hector	Are	C. Are
Gunjis	33	1 Part	---	0	02	96
	45	4-A Part	---	0	02	85

[No. O-14016/1/91—GP]

का. आ. 3189.—यतः पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस संत्रालय की अधिसूचना का. आ. (921) दिनांक 14-3-1991 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईप लाईनों को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया है।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईप लाईन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि, उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार के विहीन होने की बजाय गैस अथॉरिटी ऑफ इंडिया लिमिटेड (भारत सरकार का उपक्रम) गैस बिल्डिंग 16 भिकाजी कामा प्लेस, आर. के. पुरम, रिंग रोड, नई दिल्ली - 110 066 में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख की विहीन होगी।

SCHEDULE

State : Maharashtra

District : Raigad

Tahsil : Alibag

Village	Survey Number	Hissa Number	Gat No.	Area		
				Hector	Are	C. Are
Vaishet	11	2 Part	---	0	35	5

[No. O-14016/1/91—GP]

अनुसूची

राज्य - महाराष्ट्र जिला - रायगढ़ तहसील - अलिबाग

गांव	सर्वे तं.	हिस्सा तं.	गट तं.	क्षेत्रफल		
				हेक्टर	आर	मे. आर
1	2	3	4	5	6	7
वायशेत	11	2 भाग	—	0	35	59

[सं. ओ - 14016/1/91 - जी पी]

3189.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 921, dated 14-3-91 under sub-section 1 of section 3 of the Petroleum and Minerals pipe lines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declares its intention to acquire the Right of User in the lands specified in the schedule appended to that Notification for the purpose of laying Gas pipe line.

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government,

And further whereas the Central Government has, after considering the said report decided to acquire the Right of User in the lands specified in the schedule appended to this Notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the Right of User in the said lands specified in the schedule appended to the Notification hereby acquired for laying the Gas pipe line.

And further in exercise of powers conferred by sub-section (4) of the section 6, the Central Government directs that the Right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India, (A Government of India undertaking) GAIL Building, 16 Bhikaji Cama place, R. K. Puram, Ring Road, New Delhi 110066 free from encumbrance.

शुद्धि पत्र

का. अ. 3190.—भारत सरकार का राजपत्र दिनांक 9-3-1991 पन्ने नम्बर 1169 से 1181 तक प्रकाशित हुए मूल अधिसूचना में

अधिसूचना क्रमांक	गांव का नाम	पढ़िए			के स्थान पर		
		सर्वे नंबर	हिस्सा नंबर	क्षेत्र है आ से आ	सर्वे नंबर	हिस्सा नंबर	क्षेत्र है आ से आ
699 (हिंदी)	बोरीस	81	1	0-02-73	80	1	0-03-73
		101	1/अ/1		101	1/अ/1	
701 (हिंदी)	वायशेत	10	7-अ	0-51-45	10	7-अ	0-51-45
		10	7-ब		10	7-ब	
702 (हिंदी)	भाल	82	2		82	1	
		79	3		79	2	
		83	5 पाट		83	पाट-5	

[सं. ओ-14016/1/91 जी]

राजीव महर्षि, उप सचिव

CORRIGENDUM

S.O. 3190—In the notifications published in the Govt. of India's Gazette dated 9-3-91, pages No. 1169 to 1181

Notifications	Name of Village	Read			In place of		
		S. No.	H. No.	Area	S. No.	H. No.	Area
				H-R-CR.			H-R-CR.
1	2	3-A	3-b	3-c	4-a	4-b	4-c
699 (Hindi)	Boris	81	1	0-02-73	80	1	0-03-73
		101	1/A/1		101	1/A1	
701 (Hindi)	Vaishet	10	7-A	0-51-45	10	7-A	0-51-45
		10	7-B		10	7-B	
702 (Hindi)	Bhal	82	2		82	1	
		79	3		79	2	
		83	5-p		83	p-5	

[No.O-14 1016/1/91—G.P.]
RAJIV MEHRISHI Dy., Secy.

विद्युत् और गैर-पारम्परिक ऊर्जा स्रोत मंत्रालय

(विद्युत् विभाग)

नई दिल्ली, 4 दिसम्बर, 1991

का.आ. 3191—केन्द्रीय सरकार, भारतीय विद्युत् नियम, 1956 के नियम 45 के उपनियम (1) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सूचना और प्रसारण मंत्रालय में आकाशवाणी तथा दूरदर्शन में सभी विद्युत् प्रतिष्ठापन कार्य को उक्त नियम के उपनियम (1) की अपेक्षा में इस शर्त के अधीन छूट देती है कि उक्त सूचना और प्रसारण मंत्रालय में आकाशवाणी तथा दूरदर्शन—

- (क) उक्त नियमों में विनिर्दिष्ट साधारण सुरक्षा पूर्ववधानियों का अनुपालन करेंगे; और
- (ख) किसी ऐसे व्यक्ति के पर्यवेक्षण के अधीन उक्त प्रतिष्ठापन कार्य निष्पादित करेंगे जिसके पास किसी मान्यता प्राप्त विश्वविद्यालय या संस्था की विद्युत् इंजीनियरी में कम से कम डिग्री या डिप्लोमा हो।

[फाइनल सं. 25(6)91-डी(एम.ई.बी.)]

के.आर. भगवान, उप सचिव

MINISTRY OF POWER & NON-CONVENTIONAL
ENERGY SOURCES

(Department of Power)

New Delhi, the 4th December, 1991

S.O. 3191.—In exercise of the powers conferred by the proviso to sub-rule (1) of Rule 45 of the Indian Electricity Rules, 1956 the Central Government hereby exempts all the electrical installation works in the All India Radio and Door-darshan of the Ministry of Information and Broadcasting from the requirement of sub-rule (1) of the said rule, subject to the condition that the said All India Radio and Door-darshan of Ministry of Information and Broadcasting shall—

- (a) comply with the general safety precautions specified in the said rules; and
- (b) execute the said installation works under the supervision of a person possessing at least a degree or diploma in Electrical Engineering of a recognised university or institution.

[F. No. 25(6)90-D(SEB)]

K. R. BHAGWAN, Dy. Secy.

जल भुतल परिवहन मंत्रालय

नई दिल्ली, 10 दिसम्बर, 1991

का.आ. 3192.—भारत सरकार कोचीन स्थित दीपघर और दीपपोत विभाग के निदेशक (क्षेत्रीय) के कार्यालय को जहाँ 80% कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है और जो इस मंत्रालय के प्रशामनिक नियंत्रण में हैं, राजभाषा (संघ के सरकारी उद्देश्य के लिए प्रयोग) निशमावली, 1976 के नियम 10 के उप नियम (4) के तहत अधिसूचित करती है।

[सं.ई.-11011/11/91-हिन्दी]

अशोक जोशी, संयुक्त सचिव

MINISTRY OF SURFACE TRANSPORT

New Delhi, the 10th December, 1991

S.O. 3192.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for the official purpose of the union) Rules, 1976 the Government of India hereby notifies the office of the Director (Regional), Department of Lighthouses and Lightships, Jamnagar under the administrative control of the Ministry of Surface Transport where 80% of staff have acquired working knowledge of Hindi.

[No. E 11011/11/91-Hindi]

ASHOKE JOSHI, Jr. Secy.

श्रम मंत्रालय

आदेश

नई दिल्ली, 18 नवम्बर, 1991

का.आ. 3193—जबकि (1) मैसर्स जे.एम. बक्शी एण्ड कम्पनी, मुकाम/डाकघर—पारादीप, जिला—कटक, (2) मैसर्स टी.पी. राय चौधरी एण्ड कम्पनी, मुकाम/डाकघर—पारादीप, जिला कटक, (3) मैसर्स ओ. एस. सी. टी. सी. लिमिटेड, मुकाम/डाकघर—पारादीप, जिला कटक, (4) मैसर्स महिमानन्द मिश्रा एण्ड कम्पनी, मुकाम/डाकघर—पारादीप, जिला—कटक, (5) मैसर्स उड़ीसा स्टीवेन्डर्स (प्रा.) लिमिटेड, मुकाम/डाकघर—पारादीप, जिला कटक, (6) मैसर्स एल. एम. हाटी एण्ड कम्पनी, मुकाम/डाकघर—पारादीप, जिला—कटक, (7) मैसर्स राय एण्ड चटर्जी एण्ड कम्पनी, मुकाम/डाकघर—पारादीप, जिला—कटक, (8) मैसर्स ई. सी. बोस एण्ड कम्पनी, (पारादीप) (प्रा.) लिमिटेड, मुकाम/डाकघर—पारादीप, जिला—कटक, (9) मैसर्स मतीश चं. दास एण्ड कम्पनी, मुकाम/डाकघर पारादीप, जिला—कटक, से संबंधित नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद है जिसका प्रतिनिधित्व पारादीप पोर्ट वर्कर्स यूनियन, आफिस-डी-5, मुकाम/डाकघर—पारादीप पोर्ट, जिला—कटक, कर रही है;

और जब कि उक्त नियोजक और उनके कर्मचारी, जिनका प्रतिनिधित्व महामंचिव, पारादीप पोर्ट वर्कर्स यूनियन (एच.एम.एम.), क्वार्टर सं. डी-5, बाडापाडिया, डाकघर पारादीप पोर्ट, जिला कटक कर रहे हैं, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10क की उप-धारा (1) के अन्तर्गत लिखित समझौते द्वारा उक्त विवाद को माध्यस्थ के लिये भेजने पर सहमत हो गये हैं और उन्होंने उक्त माध्यस्थ समझौते की एक प्रति केन्द्रीय सरकार को भेज दी है;

अतः अब उक्त अधिनियम की धारा 10क की उपधारा (3) के अनुसरण में केन्द्रीय सरकार इसके द्वारा उक्त समझौते को प्रकाशित करती है।

(औद्योगिक विवाद अधिनियम की धारा 10क के अन्तर्गत) निम्नलिखित पक्षकारों के बीच हुआ समझौता

पक्षकारों के नाम

नियोजकों के प्रतिनिधि	कर्मचारियों के प्रतिनिधि
1. मैसर्स जे. एम. बक्शी एण्ड कम्पनी, मुकाम/डाकघर—पारादीप, जिला कटक	श्री पंचानन कानूनगो, अध्यक्ष—पारादीप पोर्ट वर्कर्स यूनियन
2. मैसर्स टी. पी. राय चौधरी एण्ड कम्पनी, मुकाम/डाकघर—पारादीप, जिला—कटक	श्री एस. के. भट्टाचार्यजी महामन्त्रि, पारादीप-पोर्ट वर्कर्स यूनियन
3. मैसर्स ओ. एम. सी. टी. सी. लि., मुकाम/डाकघर—पारादीप, जिला कटक	श्री एच. पी. राउतराय सहायक महामन्त्रि, पारादीप पोर्ट वर्कर्स यूनियन
4. मैसर्स महिमानन्द मिश्रा एण्ड कम्पनी, मुकाम/डाकघर—पारादीप, जिला—कटक	आफिस-डी-5, मुकाम/डाकघर—पारादीप पोर्ट, जिला कटक
5. मैसर्स उड़ीसा स्टीवेजर्स (प्रा.) लि., मुकाम/डाकघर—पारादीप, जिला कटक	
6. मैसर्स एल. एम. हाटी एण्ड कम्पनी, मुकाम/डाकघर—पारादीप, जिला कटक	
7. मैसर्स राय एण्ड चटर्जी एण्ड कम्पनी, मुकाम/डाकघर—पारादीप, जिला कटक	
8. मैसर्स ई. सी. बोस एण्ड कम्पनी (पारादीप) (प्रा.) लिमिटेड, मुकाम/डाकघर—पारादीप, जिला कटक	
9. मैसर्स सतीश च. दास एण्ड कम्पनी, मुकाम/डाकघर—पारादीप, जिला कटक	

इसके द्वारा दोनों पक्षकार निम्नलिखित विवाद को श्री जी. आर. माझी, उप मुख्य श्रमायुक्त, नई दिल्ली के पास माध्यस्थता के लिये भेजने पर सहमत हो गये हैं।

(i) विवाद में निर्दिष्ट मामले

भूतल परिवहन मंत्रालय और प्रमुख पत्तनों में नियोजित कर्मचारियों के फेडरेशनों के बीच तारीख 12-6-1989 के बीच हुए समझौते के कार्यवृत्त को ध्यान में रखते हुए;

(क) मकान किराया भत्ता, (ख) हाजिरी भत्ता, और (ग) प्रोत्साहन की श्रदायगी का आधार और रीति क्या होनी चाहिए और वह किम तारीख से होनी चाहिए ?

(ii) विवाद में संबंधित पक्षकारों का ब्यौरा जिसमें शामिल प्रतिष्ठापन अथवा उपक्रम का नाम एवं पता शामिल है ;

ऊपर दिये गये अनुसार

(iii) कामगार का नाम यदि वह स्वयं विवाद में शामिल हो या संघ का नाम, यदि कोई है, जो संबंधित कामगार या कामगारों का प्रतिनिधित्व करता हो।

लागू नहीं—

(iv) प्रभावित उपक्रम में नियोजित कर्मचारों की कुल संख्या—छ: सौ

(v) विवाद में प्रभावित या प्रभावित होने वाले कर्मचारों की अनुमानित संख्या—छ: सौ

हम इस बात पर भी सहमत हैं कि माध्यस्थ द्वारा दिये गये अधिकांश निर्णय हमारे लिये बाध्यकारी होंगे, कि वे किसी अन्य व्यक्ति को अस्पायर के रूप में नियुक्त कर सकेंगे जिसके द्वारा दिया गया पंचाट हमारे लिये बाध्यकारी होगा।

समूचित सरकार द्वारा सरकारी राजपत्र में इस समझौते के प्रकाशन की तारीख से छ: महीने के भीतर या लिखित रूप में हमारे बीच आपसी समझौते द्वारा बढ़ाई गयी श्राप की तारीख के भीतर माध्यस्थ अपना पंचाट दे देंगे। यदि उपरोक्त अवधि के भीतर पंचाट नहीं दिया जाता है तो माध्यस्थता का संदर्भ स्वतः रद्द हो जायेगा और हम नये माध्यस्थता के लिये मूलहवार्ता करने के लिये स्वतन्त्र होंगे।

पक्षकारों के हस्ताक्षर

नियोजकों के प्रतिनिधि	कामगारों के प्रतिनिधि
ह. अ.	ह. अ.
कृते मै. जे. एम. बक्शी एंड कं.	(पंचानन कानूनगो)
ह. अ.	ह. अ.
कृते मै. टी. पी. रायचौधरी एंड कं.	(एम. के. चटर्जी)
ह. अ.	ह. अ.
कृते मै. ओ. एम. सी. टी. सी. लिमि.	(एच. पी. दौत्रे)
ह. अ.	
कृते मै. महिमा नन्द मिश्रा	
ह. अ.	
कृते मै. महिमानंद मैनेजिंग पार्टनर	
कृते उड़ीसा स्टीवेजर्स (प्रा.) लि.	
ह. अ.	
कृते मै. उड़ीसा स्टीवेजर्स (प्रा.) लि., कार्यकारी कार्यालय (प्रशा.)	
ह. अ.	
कृते मै. एल. एम. हाटी एंड कं.	
ह. अ.	

कृते मै. राय एंड चटर्जी

ह. अ.

कृते मै. ई. सी. बोस एंड कं. (पारादीप)

(प्रा.) लि.,

ह. अ.

कृते मै. सतीश च. दास एंड कं. पार्टनर

गवाह

1. ह. अ.

2. ह. अ.

प्रति :—

1. सहायक श्रम आयुक्त (केन्द्रीय), यहां संबंधित श्रेव के सहायक श्रम आयुक्त (केन्द्रीय) के कार्यालय का पता लिखे। (प्लान नं. 637, गरीद नगर, भुवनेश्वर)

(2) क्षेत्रीय श्रम आयुक्त (केन्द्रीय) भुवनेश्वर।

(3) मुख्य श्रम आयुक्त (केन्द्रीय) नई दिल्ली

(4) सचिव, भारत सरकार, श्रम मंत्रालय नियोजन

और पुनर्वासि (श्रम और नियोजन विभाग) नई दिल्ली।

माध्यस्थ की महमति

“कृपया सी. एंड एफ एजेंट के प्रबंधन और पारादीप बन्दरगाह के हेडालिंग ठेकेदारों और पारादीप बन्दरगाह कामगार संघ (हि.म.स. से संबद्ध) के बीच स्वैच्छिक माध्यस्थता के मामले में दिनांक 5 अक्टूबर, 1990 के स. अ. अ. के अ. शा. सं. 8-27/89-बी.बी.एम./ए का अवलोकन करें। समझौते और संबंधित कागजातों का अध्ययन करने के पश्चात् मैं उपरोक्त विवाद पर माध्यस्थ बनने की महमति देता हूं और अपनी महमति सहित सभी कागजातों को आप पास के आगे की आवश्यक कार्रवाई के लिये लौटा रहा हूं।

ह. अ.

(जॉ. आर. मासी) ”

[सं. एन.-38013/1/91-आई.आर. (वि.)

बी.एम. डेविड, डेस्क अधिकारी

MINISTRY OF LABOUR

ORDER

New Delhi, the 18th November, 1991

S O. 3193 --WHEREAS an industrial dispute exists between the employers in relation to the (1) M/s J.M. Baxi & Co., At/P.O. Paradip, Dist: Cuttack, (2) M/s. T.P.Ray Choudhury & Co., At/P.O. Paradip, Dist: Ctc., M/s O.S.C.T.C. Ltd., At/P.O. Paradip, Dist: Cuttack, (4) M/s Mahimananda Mishra & Co., At/P.O. Paradip, Dist: Cuttack, (5) M/s Orissa Stevedores (P) Ltd., At/P.O. Paradip, Dist: Cuttack. (6) M/s L.M. Hati & Co., At/P.O. Paradip, Dist: Cuttack, (7) M/s Ray & Chatterjee & Co., At/P.O. Paradip, Dist: Cuttack, (8) M/s E.C. Bose & Co (Paradip) (P)

Ltd., At/P.O. Paradip, Dist: Cuttack, (9) M/s Satis Ch Das & Co., At/P.O. Paradip, Dist: Cuttack and their workmen represented by Paradip Port Workers Union. Office-D-5, At/P.O. Paradip Port, Dist: Cuttack;

AND WHEREAS the said employers and their workmen represented by the General Secretary, Paradip Port Workers' Union (HMS) Q/s. No. D-5, Badapad'a, Po. Paradip Port, Dist-Cuttack have by written agreement under sub-section (i) of Section 10 A of the Industrial Dispute Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration and have forwarded to the Central Government a copy of the said arbitration agreement;

NOW, THEREFORE, in pursuance of sub-section (3) of Section 10 A of the said Act, the Central Government hereby publishes the said Agreement.

AGREEMENT

(Under Section 10A of the Industrial Disputes Act, 1947)

BETWEEN

Name of the parties

Representing employers:	Representing Workmen
1. M/s J M. Baxi & Co. At/P.O. Paradip, Dist: Cuttack.	Shri Panchanan Kanungo, President, Paradip Port, Worker's Union.
2. M/s. T.P. Ray Choudhury & Co. At/P.O. Paradip, Dist: Ctc.	Shri S.K. Bhattacharjee General Secretary, Paradip Port Workers' Union.
3. M/s. O.S.C.T.C. Ltd. At/P.O. Paradip, Dist: Cuttack.	Shri H.P. Routray, At. Gen. Secretary, Paradip Port Workers' Union
4. M/s. Mahimananda Mishra & Co. At/P.O. Paradip, Dist: Cuttack	Office-D-5, At /P.O. Paradip Port, Dist. Cuttack.
5. M/s. Orissa Stevedores (P) Ltd., At/P.O. Paradip, Dist: Cuttack	
6. M/s. L.-M. Hati & Co. At/P.O. Paradip, Dist: Cuttack.	
7. M/s. Ray & Chatterjee & Co., At/P.O. Paradip, Dist. Cuttack.	

8. M/s. E.C. Bose & Co
(Paradip) (P) Ltd.,
At/P.O. Paradip,
Dist. Cuttack.

for Ms. T.P. Ray Choudhury & Co.

(S.K. Bhatterjee)

Sd/-

Sd/-

9. M/s. Satis Ch Das
& Co.,
At/P.O. Paradip,
Dist: Cuttack.

for M/s. O.S.C.T.C. Ltd., (H.P. Boutray)

Sd/-

for M/s. Mahima Nanda Mishra
Sd/-

for M/s. Mahimananda
Managing Partner
For Orissa Stevedores (P) Ltd.,
Sd/-

for M/s. Orissa Stevedores (P) Ltd.,
Office Executive (Admn).
Sd/-

for M/s. L.M. Hati & Co.
Sd/-

for M/s. Ray & Chatterjee
Sd/-

for M/s. E.C. Bose & Co.
(Paradip) (P) Ltd.,
Sd/-

for M/s. Satis Ch. Das & Co.
Partner

Witness

1. Sd/-

2. Sd/-

Copy to:-

(i) The Assistant Labour Commissioner (C) here
enter office address of the Asst. Labour Commissioner
(C) in local area concerned. Plot No. 637, Sahidnagar,
Bhubaneswar.

(ii) The Regional Labour Commissioner(C),
Bhubaneswar.

(iii) The Chief Labour Commissioner(C), New
Delhi.

(iv) The Secretary to Govt. of India, Ministry of
Labour, Employment and Rehabilitation (Deptt. of
Labour and Employment), New Delhi.

CONSENT OF THE ARBITRATOR

"Kindly refer ALC's do.. No. 8-27/89-BBS/A
dated 5th October, 1990 in the matter of voluntary
arbitration between the Management of C&F agents
and handling contractors of Paradip Port and Para-
deep Port Workers' Union (affiliated to HMS). After
going through the agreement and connecting papers

It is hereby agreed between the parties to refer
the following dispute to the arbitration of Sri G.R.
Majhi, Dy. Chief Labour Commissioner New Delhi.
(i) Specific matters in dispute

Having in view the minutes of settlement dated
12-6-89 between the Ministry of Surface Transport
and the Federations of workmen employed in Major
Ports.

(a) What should be the basis and modalities of
payment of (a) House Rent Allowances, (B) Attendance
allowances and (c) Incentive and with effect from
what date?

(ii) Details of the parties to the dispute includin
the name and address of the establishment or
undertaking involved;

As mentioned above.

(iii) Name of the workman in case he himself is involv-
ed in the dispute or the name of the Union, if any,
representing the workmen or workmen in question;

Not applicable

(iv) Total number of workmen employed in the unde r-
taking affected:- Six hundred.

(v) Estimated number of workmen affected or likely
to be affected by the dispute:- Six hundred.

We further agree that the majority decisions of the
arbitrator be binding on us, that they shall appoint
another person as umpire as whose award shall be
binding on us.

The arbitrator shall make his award within a period
of six month from the date of publication of this
agreement in the official Gazette by the appropriate
Government or within such further time as is extended
by the mutual agreement between us in writing. In
case the award is not made within the period afore-
mentioned, the reference to arbitration shall stand
automatically cancelled that we shall be free to nego-
tiate for fresh arbitrations.

Signature of the parties

Representing employer(s)	Representing workmen
Sd/-	Sd/-
for M/s. J.M. Baxi & Co.	(Panchanan Kanungo)
Sd/-	Sd/-

I give my consent to become the Arbitrator on the above dispute and an returning all the papers along-with my consent for further necessary action at your end.

Sd/-

(G R. MAJHEL)."

[No.—L. 38013/1/91-IR (Misc)]

B.M. DAVID, Desk Officer

नई दिल्ली, 3 दिसम्बर, 1991

का.आ. 3194.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मद्रास डॉक लेबर बोर्ड के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-12-91 को प्राप्त हुआ था।

New Delhi, the 3rd December, 1991

S.O. 3194.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Madras as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Madras Dock Labour Board, and their workmen, which was received by the Central Government on the 2-12-91.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Tuesday, the 27th day of August, 1991

PRESENT :

THIRU M. GOPALASWAMY. B.Sc. B.L.,
Industrial Tribunal,
INDUSTRIAL DISPUTE NO. 15 OF 1989

In the matter of the dispute for adjudication u/s. 10(1)(d) of the I.D. Act, 1947 between the Workman and the Management of Madras Dock Labour Board, Madras)

BETWEEN

The Workman represented by
The General Secretary,
Madras Port and Dock Workers Congress,
SIDCO Industrial Estate,
MTH Road, Ambattur, Madras-600058.

AND

The Deputy Chairman,
Madras Dock Labour Board,
Rajaji Road, Madras-600001.

REFERENCE :

Order No. L-33012/2/88-D.III(B), dt. 7-2-89 of the Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on for final hearing on Friday, the 9th day of August, 1991 upon perusing the reference, claim and Counter Statements and all other material papers on record and upon hearing the arguments of Tvl; Row & Reddy & S. Vaidyanathan, Advocates appearing for the workman and of Tvl. Aiyar & Dolia and R. Arumugam, Advocates for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following award.

AWARD

This dispute between the workman and the Management of Madras Dock Labour Board, Madras arises out of reference under section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India by its Order No. L-33012/2/88-D.III(B), dt. 7-2-89 of the Ministry of Labour, for adjudication of the following issue :

"Whether the action of the Management of Madras Dock Labour Board, Madras in dismissing Shri R. Elavarasan, Reserve Pool Mazdoor No. 2806 from service with effect from 4-4-1987 is justified ? If not, what relief is the concerned workman entitled to ?

2. The averments in the claim statement are as follows : The worker Thiru R. Elavarasan a casual mazdoor is said to have assaulted Thiru Mahadevan, Shift in charge when Mahadevan refused to mark late attendance for Thiru R. Elavarasan during night shift on 10-11-1986. The said Thiru Mahadevan gave a written report regarding the attack. The worker Elavarasan was given a charge memo with regard to misconduct and was also placed under suspension from 11-11-1986. Thiru Elavarasan has given a suitable reply to the charge. The worker Thiru Elavarasan made a normal request to Thiru Mahadevan for allowing him to get late attendance, but Thiru Mahadevan refused to mark late attendance. On the charge, a domestic enquiry was held, in which Thiru Elavarasan was not given full opportunity to defend the case. The complainant Thiru Mahadevan withdrew his complaint as a result of a compromise recorded in writing. Even after the said compromise, the domestic enquiry officer erroneously held that the charge has been proved. On the said finding, a second show cause notice was issued. The Respondent terminated Thiru Elavarasan from service as a punishment. The punishment is disproportionate to the nature of charge. In the face of an amicable compromise, the finding given by the enquiry officer is not sustainable. An award may be passed directing the Respondent to reinstate the worker Thiru Elavarasan in service with back wages, continuity of service and other benefits.

3. In the counter statement, the Respondent states as follows : On 10-11-1986 at 10.00 P. M. Thiru Elavarasan came to the call point and asked Thiru Mahadevan Shift-in-charge to mark late attendance for Thiru Elavarasan. The latter has refused to do so. Thiru Elavarasan and his cronies attacked Thiru Mahadevan and caused injuries. On a complaint received from Thiru Mahadevan charges were framed against Thiru Elavarasan and he was suspended pending enquiry. At the enquiry, the petitioner has admitted the guilt and expressed regret. The admission was accepted by the enquiry officer and a finding was recorded that the charge is proved. There is no need for recording further evidence when the charge has been admitted. The domestic enquiry has been held with fairness. The punishment given is adequate and proper. Hence the claim is liable to be dismissed.

4. The points for determination are as follows :

- (1) Whether the finding is perverse ?
- (2) Whether the punishment of dismissal is disproportionate ?

5 Exs. W-1 to W-20 and M-1 to M-4 were marked by consent. No oral evidence was adduced on either side.

6. It is admitted that the worker Thiru Elavarasan demanded from Thiru Mahadevan, shift incharge that he be given late attendance in his card and that Thiru Mahadevan refused to mark late attendance for Thiru Elavarasan. Being enraged by such refusal, Thiru Elavarasan and his men are said to have caused physical violence to Thiru Mahadevan resulting in bleeding injuries. The complaint regarding this incident given by Thiru Mahadevan is Ex. M-2. The Respondent placed the Complainant under suspension as per Ex. W-5 order and furnished a charge memo. The delinquent Thiru Elavarasan gave his reply Ex. W-6 dated 14-11-1986 wherein he admitted that there was a wordy quarrel between the two and that they pushed each other

during the incident on 10-11-1986. Even in Ex. W-9 reply to the charge Thiru Elavarasan has admitted the incident. During the domestic enquiry both Thiru Elavarasan and the victim Thiru Mahadevan had come to a compromise. A Statement of compromise signed by Thiru Mahadevan on 20-1-1987 and a counter part statement of compromise signed by Thiru Elavarasan on the same day are marked as Ex. M-3. On 22-1-1987, they have made two other statements regarding the said compromise. They are marked as Ex. M-4. Reading of these statements and the earlier replies given by the delinquent Thiru Elavarasan discloses that Thiru Elavarasan has made a clear admission of the fact that he attacked Thiru Mahadevan. Hence the finding recorded by the domestic enquiry officer must be held to be reasonable and not perverse. However, in view of the compromise, the Respondent should have taken a lenient view on the question of punishment. As a result of some provocation given by Thiru Mahadevan or otherwise Thiru Elavarasan has physically attacked Thiru Mahadevan but they have finally patched up. Thiru Elavarasan has expressed regret and given assurance that he would behave rightly and obediently in future. In the light of these facts I consider that the punishment of dismissal from service is quite disproportionate and extreme and the same is liable to be set aside. Regarding back wages, I hold that it will be proper to direct the Respondent to pay only half back wages from the date of dismissal from service. These points are answered accordingly.

7. In the result, an award is passed directing the Respondent to reinstate Thiru Elavarasan in service with effect from 4-4-1987 giving him half back wages only and continuity of service along with other attendant benefits. No costs.

Dated, this 27th day of August, 1991.

THIRU M. GOPALASWAMY, Presiding Officer.
(No. L-33012/2/88-D.III(B))

For both sides

Witness examined—NIL

Documents Marked

For workman :

- Ex. W-1/23-10-86—Standing orders 1956 scheme (xerox copy).
- Ex. W-2/ —Standing Order, 1957 scheme (")
- Ex. W-3/30-9-82—Appointment order issued to Thiru R. Elavarasan (xerox copy).
- Ex. W-4/28-9-84— -do-
- Ex. W-5/11-11-86—Suspension order issued to Thiru R. Elavarasan (xerox copy).
- Ex. W-6/14-11-86—Reply by Thiru R. Elavarasan to Ex. W-5 (xerox copy).
- Ex. W-7/19-11-86—Show cause notice (xerox copy).
- Ex. W-8/19-11-86—Order of the Mgt. issued to Thiru R. Elavarasan to continue his suspension (xerox copy).
- Ex. W-9/27-11-86—Reply by Thiru R. Elavarasan to Ex. W-7 (xerox copy).
- Ex. W-10/22-1-87—Proceedings of the Labour Officer, Dock Labour Board, Madras. (xerox copy).
- Ex. W-11/10-3-87—Show cause notice. (xerox copy).
- Ex. W-12/4-4-87—Dismissal order issued to Thiru R. Elavarasan. (xerox copy).
- Ex. W-13/13-4-87—Appeal preferred by Thiru R. Elavarasan (xerox copy).

- Ex. W-14/27-4-87—Order of the Appellate Authority dismissing the appeal. (xerox copy).
- Ex. W-15/24-6-87—Letter from Thiru R. Elavarasan to the Management requesting to reinstate him in service (xerox copy).

- Ex. W-16/31-1-87—Letter from Thiru R. Elavarasan to Mgt. (-do-).
- Ex. W-17/9-9-87— -do-

- Ex. W-18/23-9-87—Mercyl Petition by Thiru R. Elavarasan to the Management (xerox copy).

- Ex. W-19/2-12-87—Letter from Thiru R. Elavarasan to the Management requesting to take him back in service (xerox copy).

- Ex. W-20/24-12-88— -do-

For Management :

- Ex. M-1/ —Xerox copy of the Standing Order.
- Ex. M-2/11-11-86—Complaint of Thiru N. Mahadevan, Chief-incharge against Thiru R. Elavarasan (xerox copy).
- Ex. M-3/20-1-87—Statement of compromise of Thiru N. Mahadevan and Thiru R. Elavarasan. (xerox copy).
- Ex. M-4/22-1-87— -do-

नई दिल्ली, 5 दिसम्बर, 1991

का.प्रा. 3195.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसूर श्रा निवास स्टोन कम्पनी (प्रो. श्री काल्वा सुरेश) के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-91 को प्राप्त हुआ था ।

New Delhi, the 5th December, 1991

S.O. 3195.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Srinivasa Stone Company (Proprietor Sri Kalva Suresh) and their workmen which was received by the Central Government on 3-12-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated 29th November, 1991

PRESENT :

Shri. M. B. Vishwanath, B.Sc., B.L.,
Presiding Officer.

Central Reference No. 19/1989.

I PARTY :

The President,
Miryan & Krishnapur,
Quarry Labour Union,
Miryan P.O. Pin: 585 307,
Chincholli Taluk,
Gulbarga District.
(by Shri P. Vilas Kumar,
Advocate, Gulbarga).

II PARTY :

Vs.

Shri. Kalva Suresh,
Proprietor,
M/s. Srinivasa Stone Company,
Kondengal Road,
Tandur : 501 141,
Ranga Reddy District,
Andhra Pradesh

AWARD

1. By Order No. L-29011/2/89-IR(Misc.) dated 6-2-1989, the Hon'ble Central Government had referred this dispute for adjudication under clause (d) or Sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) to this Tribunal.

2. The point for adjudication as per the schedule to the reference is as follows :—

"Whether the action of the management of M/s. Srinivasa Stone Company (Proprietor Sri. Kalva Suresh) in terminating the services of S/Shri. Bhimla Naik, Pentappa, Ramappa Somappa, Chandrappa, Ramalu, Sundrappa, Jamala Naik, Ramayya Moglappa, Bonappa and Indrajit with effect from 1-4-1988 is justified? If not, what relief the workmen are entitled to?"

3. The claim statement has been sent by post, as I see from the records. In the claim statement it is contended :—

The ten workmen mentioned in the schedule to reference were working as stone cutters under the II party. The II party has a stone Quarry by name M/s. Srinivasa Stone Company at Miryan, Taluk Chincholli, District Gulbarga. The said 10 workmen were working in the Quarry of the II party as stone cutters since 1983 continuously without any break in service. The members of the I party demanded bonus from the II party. Hence the II party terminated the services of the members of the I party on 1-4-1988 without notice or enquiry. The termination is illegal. Each member of the I party was earning approximately Rs. 35 to Rs. 40 per day, on the average Rs. 1,000 per month. Because of the illegal termination each workmen has been deprived of Rs. 13,000 which the II party has to pay. The members of the I party are entitled to be re-instated, with full back wages from 1-4-1988.

4. The order sheet is a sad commentary on the conduct of the II party. It is obvious from the ordersheet that the one and only intent of the II party is to drag on the case. Though sufficient adjournments were granted, the II party has not cared to file the counter statement. Ultimately the case was taken up on 22-11-1991 at Gulbarga for evidence.

5. On 27-11-1991, at Gulbarga, the II party had denied his manager who prayed for time. The Tribunal by a considered order written in the ordersheet refused adjournment to II party, bearing in mind the dilatory tactics of the II party.

6. On behalf of the I party Shivappa Pujary the president of the I party Union has been examined as WW-1. He has not been cross examined. The II party's side has been taken closed.

7. The President of the Union WW-1 who represents the members (workmen) of the I party has been examined. He has stated that the I party members (has wrongly stated as 12 workmen but the claim statement and reference shows 10 workmen) were working as stone keepers under the II party. WW-1 has stated that their Union is a registered Union and the workmen were members of their Union. He has stated that the members (workmen) were working as stone cutters from 1983 till they were terminated on 1-4-1988. He has stated that the workmen were working continuously. The services of the workmen were terminated without notice or without paying compensation because they demanded bonus.

8 WW-1 has stated that the II party is working under profit. That each workmen was getting Rs. 900 to Rs. 1,000

as wages. He has stated that after termination the workmen are without any job.

9. There is absolutely nothing to disbelieve the unchallenged evidence of WW-1. It is obvious from the evidence of WW-1 that each workmen has worked for more than 240 days in a year. Their services have been terminated without notice. This amounts to retrenchment. The II party has not paid any compensation. Clearly the termination is illegal. The 10 workmen of the I party, are therefore, entitled to be re-instated. WW-1 has statement his evidence that each workmen was getting Rs. 900 to Rs. 1,000 as wages per month. So far as back wages are concerned, I am of opinion, backwages at the rate of Rs. 450 per month will meet the ends of justice. For the aforesaid reasons I pass the following Award :—

AWARD

10. The termination of the 10 workmen S/Shri (1) Bhimla Naik (2) Pentappa (3) Ramappa Somappa (4) Chandrappa (5) Ramalu (6) Sundrappa (7) Jamala Naik (8) Ramayya Maglappa (9) Bonappa (10) Indrajit (mentioned in the reference) is hereby declared illegal. The II party is directed to reinstate them. The II party is directed to pay backwages to each workmen from 1-4-1988 at the rate of Rs. 450 per month. Award passed as stated herein. Submit to Government.

(Dictated to the Secretary, taken down by him, got typed and corrected by me.).

M. B. VISHWANATH, Presiding Officer
[No. L-29011/2/89-IR(Misc.)]

का.आ. 3196.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गण में, केन्द्रीय सरकार, मै. इन्टरनेशनल एयरपोर्ट्स अथोरिटी आफ इण्डिया बम्बई के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अन्तर्बन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-91 को प्राप्त हुआ था।

S.O. 3196.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. International Airports Authority of India Bombay and their workmen, which was received by the Central Government on 3-12-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

(Presiding Officer, Justice S. N. Khatri)

Reference No. CGIT-16 of 1989

PARTIES :

Employers in relation to the management of International Airports Authority of India, Bombay.

AND

Their Workmen.

APPEARANCES :

For the Management.—Shri Patil, Advocate.

For the Workman.—Shri Oza, Advocate.

INDUSTRY : Airlines.

STATE : Maharashtra.

Bombay, dated the 26th day of November, 1991

AWARD

The Central Government has referred the following industrial dispute to this Tribunal for adjudication under section 10 of the Industrial Disputes Act, 1947.

"Whether the action of the management of M/s. International Airports Authority of India, Bombay, in relation to its Electrical Maintenance Div. I, at Bombay in terminating the services of Shri Viru Muthu Sukhliagam, Khalasi (Assistant Fitter), w.e.f. 14-8-82 vide Office Order No. AAB/Admn./125/37/1983 dated 10/14-12-1982 served on him on 5-10-1984 is justified? If not, what relief is the Workman concerned entitled to?"

2. The undisputed facts are that the workman who belongs to a Scheduled Caste, was working at the Sahar Air Port as Khalasi from 5-5-78. In July 1982 he took leave, which expired on 13-8-82. Thereafter he remained absent for quite some time. According to the Workman, in June 1982, the Maharashtra State Government and the Bombay Municipal Corporation started demolishing unauthorised huts standing in the slum area called Kamrajnagar and deporting residents to Tamil Nadu. The Workman's hut also came to be demolished and he was dispatched to Tamil Nadu. He states that he immediately managed to return back to Bombay. As the Supreme Court had meanwhile stayed demolitions, he could manage to rebuild a small hut. However unfortunately this hut got burnt in a fire. All his belongings worth about Rs. 15,000 were also lost in the fire. He was compelled to proceed on leave in July 1982, to go to his native place. He had planned to sell his land there and raise a small hut at Bombay with the sale proceeds. Accordingly he proceeded to his village after giving full information to his superiors. On reaching the village, he learnt that one of his relations had usurped his land, taking undue advantage of the fact that he (Workman) had lost his title deed in the fire at Bombay. All these catastrophes unnerved the Workman, driving him to insanity. All the same, the Workman affirms, he took care to send a post card to his superior, informing all these facts to his office. That was in August 1982. Thereafter, he was under treatment of one Dr. Peter in Tamil Nadu till September 1984. Thereafter he returned to Bombay, and reported for duty on 5-10-1984. The Management handed over the termination order to him and did not allow him to join. He addressed a number of appeals to the superior officers; but they did not care to reply. His grievance now is that he was not given any notice of the termination order. Further, according to him, a domestic inquiry was necessary before passing the order. As no such inquiry was admittedly held, the Workman contends, the impugned order is illegal and void. He claims reinstatement with full back wages.

3. The Management deny the Workman's claim. According to them the Workman had remained absent after 13-8-1982 without prior permission or intimation and as such they were justified in presuming that he had abandoned his job and terminating his services under Regulation 31(2)(vi) of the International Airports Authority of India (General conditions of Service) Regulations, 1978 (hereinafter for short 'Service Regulations'). They deny that the Workman had sent any intimation to the office in August 1982 as alleged by him. According to the Management, before passing of the impugned order, a noticee was sent to the Workman on 20-10-82 to his Bombay as well as Tamil Nadu addresses, requiring him to explain reasons for his absence. As there was no response, the termination order was passed on 14-12-1982.

4. The Management deny that a domestic inquiry was at all necessary before passing termination order under Regulation 31(2)(vi) *ibid*. They had in the written statement as originally framed taken a plea that their action not to hold a domestic inquiry was justified by virtue of the provision in Regulation 33 of the International Airports Authority of India Employees (Conduct Discipline and Appeal) Regulations 1987 (hereinafter 'the Discipline Regulation'), to the effect that inquiry could be dispensed with, where a Disciplinary Authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to hold it. By making

an application for amendment of the written statement on 12-2-90 they gave up this stand and sought to stick to their main contention that action under Regulation 31(2)(vi) of the Service Conditions Regulations does not require a domestic inquiry. This amendment was allowed on 3-4-1990. Thereafter the Workman raised a contention in his legal submissions that neither of the two sets of the Regulations was published by the Central Government in the official gazette till 1982 when the impugned order was passed, and as such they were not in force at all at the material time, and the Management had no power to take action under either of them.

5. On 18-6-90, I framed a preliminary issue whether it was necessary for the Management to hold inquiry against the Workman before passing the impugned order and posted the case for 24-7-90 for evidence on that issue. On that day the Management preferred another application for liberty to lead evidence on merits of the charge in case the preliminary issue was decided against them. The Workman opposed this application on the ground that it was grossly belated. I gave a direction that this application would be disposed of along with the aforesaid preliminary issue.

6. The points that eventually arise for determination are given below with my findings thereon :

- | Points for determination | findings. |
|---------------------------------------------------------------------------------------------------------------|-------------------------|
| 1. Whether it was obligatory on the Management to hold a domestic inquiry before passing the impugned order? | Yes, it was obligatory. |
| 2. Should the Management's application for liberty to adduce evidence on the merits of the charge be allowed? | No; it is rejected. |
| 3. Is the Workman entitled to reinstatement? | Yes. |
| 4. Is he entitled to back wages? How much? | See the last para. |
| 5. Relief and costs. | See the last para. |

Reasons for findings

7. Point No. 1: The preliminary issue was framed on 18-6-1990 vide the Roznama of that day. On the next date, that is on 23-7-90, by consent, documents filed by both sides were exhibited. Both sides further agreed not to lead any oral evidence on the issue. Thereafter the parties filed their written arguments. This issue is accordingly being decided on documents.

8. The Workman's attack is two-pronged. In the first place, his case (as developed in his legal submissions) is that the two sets of Regulations were not published in the official gazette till 1987, and as such the action purported to have been taken by the Management, particularly of termination of service under Regulation 31(2)(vi) of the Service Conditions Regulations in 1982 is bad. The second branch of the argument is that even otherwise termination of service under that provision is not valid, unless a domestic inquiry is held with due notice to the Workman. In this connection the Workman strongly relies on the instructions issued by the Management's Head Quarters situated at Chanakyapuri, New Delhi, in the year 1980 and also on Regulations 28, 29 and 30 of the Discipline Regulations.

9. As against this, it is submitted by the Management that although the two sets of Regulations were not actually published in the official gazette in 1982 which is the material year for us they have already been drafted by the Management and submitted to the Central Government for their approval and publication in the gazette, as required by section 38(2) of International Airports Authority Act of 1971 (hereafter 'the 1971 Act'). The Management rely on the decisions of the Supreme Court reported in 1968 II L.J. 144 Mysore State Road Transport Corporation Vs. Gopinath and 1988 II L.J. 435 V. Balasubramaniam Vs. Tamil Nadu Housing Board and others, for the proposition that in the interim period they were justified in carrying on the administration in accordance with the provisions of the draft Regulations. As regards the second objection of the Workman, the Management point out that he cannot bank upon any provision of the Discipline Regulations (including Regulations 28, 29 & 30) because the termination of service was effected not under this set of Regulations, but under Regulations

31(2)(vi) of the service Regulations. It is pointed out that the administrative instructions issued from New Delhi cannot override the Regulations which are made under the statute.

10. I have carefully gone through the two Supreme Court decisions cited by the Management. In my humble opinion, both are distinguishable on facts. In both cases the material question related to the appointment of officers of the Authorities concerned, pending coming into force of the Regulations. In Gopinath, even draft Regulations were not in existence on the material date. In Balasubramanian, the Authority concerned had already drafted the Regulations on the material date and the State Government had also given their approval; only publication in gazette was not done. In both cases, the power of the Authority concerned was upheld by the apex Court, for the reason that the Authority was bound to carry on the administration even in the interval between its birth and the formal advent of the Regulations and for that purpose appointment of employees would be necessary. The Supreme Court pointed out that there would always be a long time lag before the Regulations formally came into existence and during that interval the Authority would be punished in making appointments as it in its wisdom thought fit, even in absence of draft Regulations. Where draft regulations were approved by Government, but yet to be published, the Court ruled, the Authority would be justified in making appointments in accordance with such Regulations. Now in the 1971 Act, we find a specific provision in section 38(1), authorising the Central Government itself to frame Regulations during the first year after the Constitution of the Authority. The obvious object of this provision is to obviate the time lag inherent in the long drawn out process of framing of the Regulations by the Authority with previous approval of the Government and their publication in Gazette. Analogous provisions does not appear to have existed in the Acts involved in either of the cases before the Supreme Court. This in my opinion makes vital difference. Here in the case before me, the Central Government could have framed the Regulations governing appointments and disciplinary action, almost simultaneously with the birth of the Authority, which was not possible in the two cases before the Supreme Court. For all these reasons, I feel that these two decisions do not help the Management in the present case.

11. Assuming that my above view is wrong and the Management could validly rely on the two sets of Regulations, even then I think their action in passing the impugned termination order is bad, because notice to the Workman and holding of a domestic inquiry was necessary. The Management's case is that they had tried to serve notice on the Workman on his Bombay and Tamil Nadu addresses but without success. I had directed them to produce the file of the proceedings. However the Management pleaded their inability to comply, for the reason that the entire file had been surreptitiously removed from the office by some culprit interested in the Workman. Now there is absolutely no evidence on the record on the alleged pilferage of the file or on the issuance of notice to the Workman. I am aware that the termination order (Ex. M-1) does refer to what is described as "proposed termination order No. AAB: ADMN: 125: 37: 17482 dated 20-10-82 regarding wilful absenteeism from duty from 13-8-82 without any intimation of his whereabouts and prior sanction of leave by the Competent Authority". Apart from the fact that there is no proof at all that this communication was served on the Workman, it does not necessarily amount to a notice, as a prelude to the passing an order under Regulations 31(2)(vi) of the Service Regulations. It could as well as a notice in a disciplinary proceeding, linked with misconduct of over-stayal of leave without sufficient cause, as defined in Regulation 5(vii) of the Discipline Regulations.

12. A perusal of paragraphs 10, 12 and 14 of the Management's written statement, as originally obtained before their moving amendment application before 12.2.90, fortifies such a view. Before this amendment, the Management themselves were banking on Regulation 35 of the Discipline Regulations for their stand that domestic inquiry was not necessary. This Regulation inter alia provides that it is

not necessary to hold a domestic inquiry as prescribed by Regulation 28, where the disciplinary authority is satisfied, for reasons to be recorded in writing, that it is not reasonably practicable to hold an inquiry in the manner provided in these regulations. By the amendment motion the Management gave up this stand and took up the present one that because the termination of Workman's services was under Regulation 31(2)(vi) of the Service Regulations, domestic inquiry was not at all necessary. There is substance in the submission of Shri Ojha for the Workman that the Management had themselves treated the proceeding as a disciplinary proceeding at all material times. It follows that the termination order was penal in nature and as such a domestic inquiry was necessary under Regulation 28, before passing it.

13. Shri Ojha drew my attention to a ruling of the Supreme Court reported in AIR 1966 S.C. 492 Jai Shankar Vs. State of Rajasthan for the proposition that removal from service without domestic inquiry would be illegal, even though a Service Regulation may provide that an individual who absents himself without permission could be considered to have sacrificed his appointment and may be reinstated only with the sanction of the Competent Authority. The Ruling in terms cannot be availed of by the Workman, because the apex Court was dealing with the case of a Government servant to whom protection under article 311 of the Constitution was available. Here before me, the Workman no doubt is an employee of a public undertaking, but not a Government servant to whom Article 311 would apply.

14. Shri Ojha is, however, on firm ground, when he relies on a direction of the Management's Head Quarters in 1980 that they should not terminate the services of an employee under Regulation 31(2)(vi) of the service Regulations, without holding a domestic inquiry. The issuance of such a direction is not disputed by the Management; what they contend is that such administrative directions cannot override the provisions of statutory Regulations. I am not impressed by this argument. There is express provision in section 35 of the 1971 Act, empowering the Central Government to issue directions on questions of policy to the Management. This direction was admittedly given in 1980, that is before the two sets of Regulations were published and became formally effective under section 38(2). At least in 1980 and 1982 (when the impugned termination order was passed), there was no question of the Management's disregarding the direction on the ground that it was contradictory to its own Regulations, which were yet to be formally effective. The Management were bound to implement this direction.

15. To sum up, my findings are that the impugned order purport to remove the Workman from service for the misconduct of overstaying sanctioned leave without sufficient cause, and as such domestic inquiry was obligatory. The Management had no right to pass the impugned order without holding such inquiry.

16. Point No. 2.—I now go to the Management's application dated 24.7.90 for permission to lead evidence on the merits of the charge. The Workman seriously opposes this application on the ground that it is belated and even otherwise it will be very harsh on him to prolong his agony, if the application is allowed.

17. The learned Advocates of both sides have cited Supreme Court rulings in support of their respective stands. The Management rely on 1973 1 LLJ 278 M/s. Firestone Tyre and Rubber Company of India Vs. their Workmen; 1975 111 376 M/s. Cooner Engineers Ltd Vs. P. P. Mundhe and 1984 11C 1583 Rajendra Iha Vs. Labour Court, Shri Ojha for the Workman strongly relies on 64 F.I.R. 37 Shambhu Nath Goyal Vs. Bank of Baroda and others.

18. The position in Law is well-settled that in any case where the Tribunal finds that the domestic inquiry was defective or vitiated for any reason or that there was no domestic inquiry at all, although it was necessary, it must allow the Management to lead evidence on merits of the charges provided the Management have made a request to the Tribunal at the appropriate stage. On the limited question as to what is the appropriate stage for moving the

Tribunal in this regard, the correct legal position is explained by the apex Court in *Shambhunath* relied upon by the Workman. While pointing out that in a proceeding under section 33 of the Industrial Disputes Act, the Management comes to know of the Workman's objection to the validity of the domestic inquiry only after he files his written statement, whereas in a reference under section 10, he raises this objection in the statement of claim itself and, therefore, the Management is well aware of it before filing their written statement, the Court proceeds to observe :

"The management is made aware of the workman's contention regarding the defect in the domestic enquiry by the written statement of defence filed by him in the application filed by the management under section 33 of the Act. Then, if the management chooses to exercise its right it must make up its mind at the earliest stage and file the application for that purpose without any unreasonable delay. But, when the question arises in a reference under section 10 of the Act after the workman had been punished pursuant to a finding of guilt recorded against him in the domestic enquiry there is no question of the management filing any application for permission to lead further evidence in support of the charge or charges framed against the workman, for, the defect in the domestic enquiry is pointed out by the workman in his written claim statement filed in the Labour Court or Industrial Tribunal after the reference had been received and the management has the opportunity to look into that statement before it files its written statement of defence in the enquiry before the Labour Court or Industrial Tribunal and could make the request for the opportunity in the written statement itself. If it does not choose to do so at that stage it cannot be allowed to do it at any later stage of the proceedings by filing any application for the purpose which may result in delay which may lead to wrecking the morale of the workman and compel him to surrender which he may not otherwise do." (underlining is mine).

19. In the present case, the Workman filed his statement of claim on 26-6-1989. There were detailed grounds pleaded in it to show how the termination order was bad for want of domestic inquiry. The Management thereafter filed their written statement on 11-9-89. No request was made in it for opportunity to lead evidence on the charge of misconduct. Thereafter the matter was adjourned to 16-11-89, 13-12-89, 9-1-90 and 12-2-90. On 12-2-90 the Management filed an application for extension/amendments of their written statement. It is interesting to note that even in this application no request was made for liberty to lead evidence. This application was granted on 3-4-1990. The matter was then adjourned thrice for 2-5-90, 18-6-90 and 23-7-90. It was only on 23-7-90 and not till then that the Management filed an application for liberty to lead evidence, in case the Tribunal held that the termination order could not be validly passed without holding a domestic inquiry. On that very day I made an order that the application will be disposed of along with the preliminary issue whether domestic inquiry was necessary.

20. It is thus clear that the Management failed to make the request in their written statement although the Workman had raised the objection to the validity of the termination order in his statement of claim and the Management took two adjournments on 20-7-89 and 21-8-89 for filing the written statement, which ultimately came to be filed on 11-9-89. In view of *Shambhu Nath's* decision, it must be held that the Management had failed to make the request for liberty at the appropriate stage.

21. Assuming it was permissible to the Management to make a separate application for getting the requisite permission, there is absolutely no justification for delaying the application for 10-1/2 months till 24-7-90 after filing the written statement. Not a single word is mentioned in the application in justification of the delay. The law is clear that the Management do not have the right to make the request for evidence at any time during the pendency of

the Reference according to their sweet will. About 9 years have passed since the Workman's service are terminated. Viewed from any angle, this is a case where the Management cannot be permitted to further perpetrate the agony of the Workman.

22. For the aforesaid reasons, I hold that the Management cannot be given liberty to adduce evidence on the alleged misconduct of the Workman. Their application for this facility stands rejected.

23. Point Nos. 3 & 4.—The last question now before me is whether the Workman is entitled to reinstatement and back wages. In view of the rejection of the Management's request for leading evidence on the charge of misconduct, the Workman will have to be reinstated. The Management does not allege that he was employed anywhere else. So he will have to be granted back wages also from 5-10-84 on which date he reported to his place of work, but was not allowed to join. The period between 13-8-82 (till which date he was sanctioned leave) and 4-10-84 will have to be regularised as leave that may be due to the Workman under the relevant Regulations. The Management shall also pay him Rs. 2000 as costs. I make the following Award.

24. The Management's order dated 10/14-12-82 terminating the Workman's services is held to be void and hereby set aside. The Workman is directed to be reinstated in service, without any break and with full back wages from 5th October 1984. The period between 13-8-82 and 5-10-84 will be regularised by grant of leave to him (with or without wages), as due under the relevant Rules and Regulations. The Management shall pay Rs. 2000 as his costs and bear their own.

S. N. KHATRI, Presiding Officer
[No. L-11012/28/88-D.III(B)]
B. M. DAVID, Desk Officer.

नई दिल्ली, 6 दिसम्बर, 1991

का.आ. 3197.—यतः मैमर्म मेमिकन्टेक्टर कम्पलैक्स लिमिटेड फेज VIII मोहाली डिस्ट्रिक्ट रोपड पंजाब और उसकी नई दिल्ली, बंगलौर, भुवनेश्वर, लौहा, लखनऊ और बड़ौदा स्थित शाखाओं (इसके आगे जहाँ कहीं भी उक्त स्थापना शब्द का प्रयोग हो इसमें अभिप्राय उक्त स्थापना से है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) इसके आगे उक्त अधिनियम के नाम से निर्दिष्ट) को धारा 17 की उप धारा (1) के खंड (क) अंतर्गत छुट प्राप्त करने के लिए आवेदन किया है।

यह केन्द्र सरकार की राय में उक्त स्थापना के कर्मचारियों के लिए वैधानिक और भविष्य निधि नियमों से अंशदान की दर उक्त अधिनियम की धारा 6 में उल्लिखित कर्मचारी अंशदान की दर से कम नहीं है तथा इसके कर्मचारियों को मिलने वाले भविष्य निधि लाभ उक्त अधिनियम तथा कर्मचारी भविष्य निधि स्कीम, 1952 (इसके आगे जहाँ कहीं भी स्कीम शब्द का प्रयोग किया गया है उसमें अभिप्राय उक्त स्कीम से है) में उल्लिखित लाभों से किसी भी प्रकार से कम नहीं है जो इस वर्ष की स्थापनाओं में कार्यरत कर्मचारियों को उपलब्ध है।

अब इसलिए उक्त अधिनियम की धारा 17 की उपधारा एक के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और संलग्न अनुसूची में वर्णित शर्तों के अधीन केन्द्रीय सरकार इसके द्वारा उक्त स्थापना को उक्त स्कीम के सभी उपबंधों लागू होने से छुट प्रदान करती है।

अनुसूची

1. उक्त स्थापना से संबंधित नियोक्ता केन्द्र सरकार के द्वारा समय समय पर दिए गए निदेश के अनुसार उक्त अधिनियम की धारा 17 की उपधारा (3) के खंड (क) में उल्लिखित निरीक्षण के लिए सुविधाएं प्रदान करेगा और ऐसे निरीक्षण प्रसार की अदायगी प्रत्येक माह की समाप्ति के 15 दिन के अन्दर करेगा।

2. न-छूट प्राप्त स्थापनाओं के संबंध में उक्त अधिनियम और उनके अधीन सृजित उक्त स्कीम के अंतर्गत देय अंशदान की दर से स्थापना के भविष्य निधि नियमों के अन्तर्गत देय अंशदान की दर किसी समय भी कम न होगी।

3. पेंशनियों के मामले में छूट प्राप्त स्थापना की स्कीम कर्मचारी भविष्य निधि स्कीम, 1952 से कम हितकर नहीं होगी।

4. उक्त स्कीम में कोई भी संशोधन जो स्थापना के वर्तमान नियमों से अधिक लाभकारी है उस पर अपने आप लागू किया जाएगा। उक्त स्थापना के भविष्य निधि नियमों में कोई भी संशोधन, क्षेत्रीय भविष्य निधि आयुक्त की पूर्व अनुमति के बिना नहीं किया जाएगा और जहां किसी संशोधन से उक्त स्थापना के कर्मचारियों के हित के प्रतिकूल प्रभावी होने की सम्भावना है वहां अपनी अनुमति देने से पूर्व, क्षेत्रीय भविष्य निधि आयुक्त, कर्मचारियों को अपने विचार प्रस्तुत करने का उचित अवसर देगा।

5. यदि स्थापना को छूट न दी जाती तो वे सभी कर्मचारी [जो उक्त अधिनियम की धारा 2 (ब) में निश्चित किया गया है] जो सदस्य बनने के पात्र होते, सदस्य बनाए जाएंगे।

6. जहां एक कर्मचारी जो कर्मचारी भविष्य निधि (कानूनी) या किसी अन्य छूट-प्राप्त स्थापना का पहले से सदस्य है, को अपनी स्थापना में काम पर लगाया जाता है तो नियोक्ता उस निधि का तुरंत सदस्य बनाएगा और ऐसे कर्मचारी के गिळते नियोक्ता के पास भविष्य निधि लेख में संचयों को अंतरित कराने और उनके लेख में जमा कराने की व्यवस्था करेगा।

7. केन्द्रीय भविष्य निधि आयुक्त के द्वारा प्रेषित केन्द्रीय सरकार के द्वारा जैसे भी मांगता हो, समय समय पर दिए गए निदेशों के अनुसार भविष्य निधि के प्रग्रन्थ के लिए नियोक्ता न्यासी बोर्ड की स्थापना करेगी।

8. भविष्य निधि, न्यासी बोर्ड से निहित होगा जो अन्य बातों के होते हुए भविष्य निधि में आय के उचित लेखों और भविष्य निधि से अदायगियों और उनकी अभिरक्षा में शोपी के लिए कर्मचारी भविष्य निधि संगठन के उत्तरदायी होगा।

9. न्यासी बोर्ड कम से कम 3 माह में एक बार बैठक करेगा और केन्द्र सरकार द्वारा समय समय पर जारी किए गए मार्ग निदेशों के अनुसार कार्य करेगा। केन्द्रीय भविष्य

निधि प्राप्ता को अधिकार होगा कि वह किसी अन्य योग्य लेखा परीक्षक से खातों को दुबारा लेखा परीक्षा कराने और ऐसे पुनः लेखा-परीक्षा के खर्च नियोक्ता वहन करेगा।

10. न्यासी बोर्ड द्वारा रखे गए भविष्य निधि लेख अर्हता प्राप्त निष्पक्ष चारों अकाउन्टेन्ट द्वारा वार्षिक लेखा परीक्षा के अधीन होंगे। जहां आवश्यक समझा जाए, केन्द्रीय भविष्य निधि आयुक्त की किसी अन्य अर्हता प्राप्त लेखा परीक्षा द्वारा लेखों की पुनः लेखा परीक्षा कराने का अधिकार होगा और इस पर हुआ व्यय नियोक्ता द्वारा वहन किया जाएगा।

11. प्रत्येक वर्ष स्थापना के लेखा परीक्षित तुलन पत्र के साथ लेखा परीक्षित वार्षिक भविष्य निधि लेखों की एक प्रति वित्तीय वर्ष की समाप्ति के छः माह के अन्दर क्षेत्रीय भविष्य निधि आयुक्त को प्रस्तुत की जाएगी। इन प्रयोग के लिए भविष्य निधि वित्तीय वर्ष पहली अप्रैल से 31 मार्च तक होगा।

12. नियोक्ता प्रणिमाह भविष्य निधि के देय अपने कर्मचारियों के अंशदानों को मासिक माह की 15 तारीख तक न्यासी बोर्ड को अंतरित कर देगा अंशदानों की विवरण से अदायगी करने के लिए, सभ्य परिस्थितियों में नियोक्ता नुकसानों देने का उसी प्रकार उत्तरदायी होगा जिस प्रकार एक न-छूट प्राप्त स्थापना उत्तरदायी होती है।

13. न्यासी बोर्ड सरकार द्वारा समय-समय पर दिए गए निदेशों के अनुसार निधि में जमा राशियों का निवेश करेगा। प्रतिभूतियां न्यासी बोर्ड के नाम पर प्राप्त की जाएंगी और भारतीय रिजर्व बैंक के जमा नियन्त्रण में अनुसूचित बैंक की अभिरक्षा में रखा जाएगा।

14. सरकार के निदेशों के अनुसार निवेश न करने पर न्यासी बोर्ड अलग-अलग रुबों में और एक साथ केन्द्रीय भविष्य निधि आयुक्त या उसके प्रतिनिधियों द्वारा लगाए गए अधिक प्रसार का उत्तरदायी होगा।

15. न्यासी बोर्ड एक वस्तु-धोरा रजिस्टर तैयार करेगा और व्याज और विमोचन प्राय की अवधि पर नमूनी मुनि-श्चित करेगा।

16. जमा किए गए अंशदानों, निकाले गए और प्रत्येक कर्मचारी से संबंधित व्याज की शिक्षा के लिए बोर्ड विस्तृत लेख तैयार करेगा।

17. वित्तीय/लेखा वर्ष की समाप्ति के छः माह के अन्दर बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण जारी करेगा।

18. बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण के स्थान पर पाठ्यक जारी कर सकता है। ये पाठ्य-वर्क कर्मचारियों की अभिरक्षा में रहेंगे और कर्मचारियों को प्रस्ताव प्रस्तुतीकरण पर बोर्ड के द्वारा इन्हें अंतरित किया जाएगा।

19. लेखा वर्ष के पहले दिन आदि शेष पर प्रत्येक कर्मचारी के लेख में व्याज उस दर से जमा किया जाएगा जिसका न्यासी बोर्ड निर्णय करे परन्तु यह उक्त स्कीम के

New Delhi, the 6th December, 1991

पैरा 60 के अंतर्गत केन्द्रीय सरकार द्वारा घोषित दर से कम नहीं होगा।

20. यदि न्यासी बोर्ड केन्द्रीय सरकार द्वारा घोषित व्याज की दर इस कारण से कि निवेश पर आय कम है या किसी अन्य कारण से श्रदा करने में असमर्थ है तो इस कमी नियोजता पूरा करेगा।

21. नियोजता भविष्य निधि की चोरी के कारण, लूट-खमोट, ध्यानत, गवन अथवा किसी अन्य कारण से हुई हानि को पूरा करेगा।

22. नियोजता और न्यासी बोर्ड, क्षेत्रीय भविष्य निधि आयुक्त को ऐसी विवरणियाँ प्रस्तुत करेगा जो समय-समय पर केन्द्रीय सरकार/केन्द्रीय भविष्य निधि आयुक्त निर्धारित करें।

23. उक्त स्कीम के पैरा 69 की शैली पर किसी कर्मचारी को निधि के सदस्य न रहने पर यदि स्थापना के भविष्य निधि नियमों में नियोजताओं के अंशदानों का जहन करने की व्यवस्था है तो न्यासी बोर्ड इस प्रकार जहन की गई राशियों का अलग से लेखा तैयार करेगा और उसे ऐसे प्रयोजनों के लिए उपयोग करेगा जो केन्द्रीय भविष्य निधि आयुक्त की पूर्व अनुमति में सुनिश्चित किया गया हो।

24. स्थापना के भविष्य निधि नियमों में निर्दिष्ट किसी बात के होते हुए भी यदि किसी व्यक्ति की सेवा निवृत्ति होने के फलस्वरूप या किसी अन्य प्रतिष्ठान में नौकरी करने पर निधि की सदस्यता समाप्त हो जाती है या पता लगता है कि प्रतिष्ठान के भविष्य निधि नियमों के अन्तर्गत अंशदान की दर सम्पहरण की दर आदि संविधि योजना के अन्तर्गत दी गई दरों की तुलना में कम अनुकूल है तो अन्तर का वहन नियोजता द्वारा किया जायेगा।

25. नियोजता, भविष्य निधि के प्रशासन से संबंधित सभी खर्च जिसमें लेखों के रखरखाव रिटर्न प्रस्तुत किए जाने, राशियों का अन्तरण शामिल है, वहन करेगा।

26. नियोजता समुचित प्राधिकारी द्वारा अनुमोदित निधि के नियमों की एक प्रति तथा जब भी कोई संशोधन होता है, उसकी मुख्य बातों को कर्मचारियों के बहुमत की भाषा में अनुवाद करके स्थापना के बोर्ड पर लगाएगा।

27. "समुचित सरकार" स्थापना की चालू छूट पर और शर्तें लगा सकती है।

28. यदि उक्त अधिनियम के अंतर्गत स्थापना वर्ग जिसमें उसकी स्थापना आती है, पर अंशदान की दर बढ़ायी जाती है, नियोजता भविष्य निधि अंशदान की दर उचित रूप से बढ़ाएगा, ताकि उक्त अधिनियम के अंतर्गत दिए जाने वाले लाभों से स्थापना की स्कीम के अंतर्गत दिए जाने वाले भविष्य निधि के लाभ किसी भी प्रकार से कम न हों।

29. उक्त शर्तों में से किसी एक के उल्लंघन पर छूट रद्द की जा सकती है।

[स. एम-35015/12/91—एस. एम. -II]

S.O. 3197—Whereas Messets Semi Conductor Ltd. Phase VIII, Mohali, Distt. Rupar, Punjab and its branches at New Delhi, Bangalore, Bhubaneswar, Noida, Lucknow and Baroda (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), (hereinafter referred to as the said Act);

And whereas in the opinion of the Central Government the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme.

SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause (a) of sub-section (3) of Section 17 of the said Act within 15 days from the close of every month.

2. The rate of contribution payable under the provident fund rules of the establishment shall at no time be lower than those payable under the said Act in respect of the un-exempted establishments and the said Scheme framed there-under.

3. In the matter of advances, the scheme of the exempted establishment shall not be less favourable than the Employees' Provident Fund Scheme, 1952.

4. Any amendment to the said scheme which is more beneficial to the employees than the existing rules of the establishment shall be made applicable to them automatically. No amendment of the rules of the Provident fund of the said establishment shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interest of the employees of the said establishment, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their points of view.

5. All employees (as defined in section 2 of the said Act) who would have been eligible to become members of the Provident Fund had the establishment not been granted exemption shall be enrolled as members.

6. Where an employee who is already a member of the Employees Provident Fund (Statutory) or a Provident Fund of any other exempted establishment is employed in his establishment, the employer shall immediately enroll him as a member of the fund and arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited to his account.

7. The employer shall establish a Board of Trustees for the management of the Provident fund according to such directions as may be given by the Central Provident Fund Commissioner or by the Central Government, as the case may be, from time to time.

8. The Provident fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees Provident Fund Organisation inter-alia for proper accounts of the receipts into and payments from the Provident Fund and the balances in their custody.

9. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the

guidelines that may be issued from time to time by the Central Government, Central Provident Fund Commissioner or and officer authorised by him.

10. The accounts of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified-independent Chartered Accountant annually. Where considered necessary, the Central Provident Fund Commissioner shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employer.

11. A copy of the audited annual provident fund accounts together with the audited balance sheet of the establishment for each accounting year shall be submitted to the Regional Provident Fund Commissioner within six months after the close of the financial year. For this purpose the financial year of the provident fund shall be from the 1st April to the 31st of March.

12. The employer shall transfer to the Board of Trustees the contributions payable to the Provident fund by himself and the employees by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay damages to the Board of Trustees for any delay in payment of the contributions in the same manner as an un-exempted establishment is liable under similar circumstances.

13. The Board of Trustees shall invest the monies in the fund as per directions that may be given by the Government from time to time. The securities shall be obtained in the name of the Board of Trustees and shall be kept in the custody of scheduled Bank under the Credit Control of the Reserve Bank of India.

14. Failure to make the investments as per directions of the Government shall make the Board of Trustees severally and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

15. The Board of Trustees shall maintain a scriptwise register and ensure timely realisation of interest and ensure timely realisation of interest and redemption proceeds.

16. The Board of Trustees shall maintain detailed accounts to show the contributions credited, withdrawal and interest in respect of each employee.

17. The Board shall issue an annual statement of account to every employee within six months of the close of financial/ accounting year.

18. The Board may, instead of the annual statement of accounts, issue Pass books to every employee. These pass book shall remain in the custody of the employee and will be brought upto date by the Board on presentation by the employee.

19. The account of each employee shall be credited with interest calculated on the opening balance as on the 1st day of the accounting year at such rate as may be decided by the Board of Trustees but shall not be lower than the rate declared by the Central Government under para 60 of the said Scheme.

20. If the Board of Trustees are unable to pay interest at the rate declared by the Central Government for the reason that the return on investment is less or for any other reason then the deficiency shall be made good by the employer.

21. The employer shall also make good any other loss that may be caused to the Provident Fund due to theft burglary, defalcation, mis-appropriation or any other reason.

22. The employer as well as the Board of Trustees shall submit such returns to the Regional Provident Fund Commissioner as the Central Government Central Provident Fund Commissioner may prescribe from time to time.

23. If the Provident Fund rules of the establishment provide for forfeiture of the employees contributions in cases where an employee ceases to be a member of the fund on the lines of para 69 of the said Scheme, the Board of Trustees shall maintain a separate account on the amounts so forfeited and may utilise the same for such purpose be determined

with the prior approval of the Central Provident Fund Commissioner.

24. Notwithstanding any thing contained in the Provident Fund Rules of the establishment, if on the cessation of any individual from the membership of the fund consequent on retiring from service or on taking up the employment in some other establishment, it is found that the rate of contribution or forfeiture etc., under the P.F. Rules of the establishment are less favourable as compared to these under the statutory Scheme, the deficit shall be borne by the employer.

25. The employer shall bear all the expenses of the administration of the Provident Fund including the maintenance of accounts, submission of returns, transfer of accumulation.

26. The employer shall display on the notice board of the establishment, a copy of the rules of the fund as approved by the appropriate authority and is and when amended thereto alongwith a translation of the salient points thereof in the language of the majority of the employees.

27. The "appropriate Government" may lay down any further conditions for continued exemption of the establishment.

28. The employees shall enhance, the rate of provident fund contributions appropriately if the rate of provident fund contribution is enhanced under the said Act so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the said Act.

29. The exemption is liable to be cancelled for violation of any of the above conditions.

[No. S 35015/12/91-SS.II]

J. P. SHUKLA, Under Secy.

CORRIGENDUM

New Delhi, the 12th December, 1991

S.O. 3198.--In the notification of the Government of India in the Ministry of Labour No. S.O. 862 published at page 1496 in the Gazette of India Part II Section 3, Sub-Section (ii) dated the 23rd March, 1991 :

(a) In the second line for "Section 2 of the Industrial Disputes Act, 1947 (14 of 1947)" read "Section 3 of Section 1 of the Employees State Insurance".

(b) In the third line for "1947" read "1948".

[No. S-35015.12/91-SS. II]

नई दिल्ली, 13 दिसम्बर, 1991

का. आ. 3199--कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा--1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार एतद्वारा 16-12-91 को उम तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 (धारा--76 की उपधारा (1) और धारा--77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध तमिलनाडु राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात् :--

"पुडु कोटई जिले में पुडु कोटई तालुका के राजस्व ग्राम, मल्ल नाथम पन्नाई एवं पुराकराई नाथम पन्नाई और कलाथर तालुका के राजस्व ग्राम वेलनूर एवं थिरुवैगोई बसन्त के अन्तर्गत आने वाले क्षेत्र।"

[संख्या एम. 38013/42/91--एम. एम. I]

New Delhi, the 13th December, 1991

New Delhi, the 6th December, 1991

S.O. 3199.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 16th December, 1991 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of section (1) of section 76, 77, 78, 79 and 81 which have already been brought into force of the said Act) shall come into force in the following areas in the State of Tamil Nadu namely :—

"Areas comprising the revenue village of Mullur, Nathampannai, Purakalai Natham Pannal of Pudukottai Taluk and Vellanur, Thiruvengaivasal of Kulathur Taluk in Pudukottai District."

[No. S-38013/42/91-SSI]

का. आ. 3200:—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा—1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा 16-12-91 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा—44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय—5 और 6 (धारा—76 की उपधारा (1) और धारा—77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध तमिलनाडु राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात् :—

"मदुराई जिले में मदुराई दक्षिणी तालुक के राजम्ब ग्राम अवनियापुरम, इयान पप्पाकुडी एवं वलायानकुलम के अन्तर्गत आने वाले क्षेत्र ।"

[संख्या एम. 38013/43/91—एम. एम. I]

जे. पी. शुक्ला, अवसर सचिव

S.O. 3200.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 16-12-1991 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of section (1) of sections 76, 77, 78, 79 and 81 which have already been brought into force of the said Act) shall come into force in the following areas in the State of Tamil Nadu namely :—

"The areas comprising the revenue villages of Avaniapuram, Ivanpappakudi, Valayankulam in Madurai South Taluk, Madurai District."

[No. S-38013/43/91-SS-I]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 6 दिसम्बर, 91

का. आ. 3201:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दनकनी कोल केमिकल कोमपलक्स ग्राफ में कोल इण्डिया लि. के प्रबन्धन के संवद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निरिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कनकना के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-12-91 को प्राप्त हुआ था।

S.O. 3201.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of Dhankuni Coal Chemical Complex of Coal India Ltd. and their workmen, which was received by the Central Government on 29-11-1991.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

ATYCALCUTTA

Reference No. 21 of 1989

PARTIES :

Employers in relation to the management of Dhankuni Coal Chemical Complex, Coal India Limited

AND

Their workmen.

PRESENT :

Mr. Justice Manash Nath Roy, Presiding Officer.

APPEARANCES :

On behalf of management—Mr. Kalyan Banerjee, Advocate.

On behalf of workmen—Mr. Akhoy Mukherjee, General Secretary of the Union.

STATE : West Bengal

INDUSTRY : Coal

AWARD

By Order No. L-22012(4)/89-IR (C-II) dated 7-7-1989, the Government of India, Ministry of Labour referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Management of Dhankuni Coal Complex, Coal India Ltd. Dhankuni, Hooghly in reverting Mrs. Banani (Kar) Roy Chowdhury from Clerk Grade-II to Grade-III w.e.f. 9-10-86 and deducting Rs. 350.24 and Rs. 18 from the salary of April, 1987 is justified ? If not, to what relief the workman concerned is entitled ?"

2. After the reference under section 10 of the Industrial Disputes Act, 1947, was received, parties completed their pleadings.

3. During the course of the proceedings, today a joint application has been filed for making an Award in terms of the terms of settlement which is enclosed with the application.

4. It appears that in their endeavour to improve and maintain better industrial relationship, the parties have settled their dispute, the terms whereof are indicated in terms of settlement.

5. Thus after hearing the parties and considering their submissions and so also the terms of settlement, I make an Award in terms of the terms of settlement as prayed for. Let the terms of settlement do form part of this Award as Annexure-A.

This is my Award.

MANASH NATH ROY, Presiding Officer
[No. L-22012(4)/89-IR (C-II)]
RAJA LATI, Desk Officer

Dated, Calcutta.

The 18th November, 1991.

ANNEXURE-A

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

In the matter of :

Government of India, Ministry of Labour, Order of Reference No. 1-22012(4)/89-IR (C-II) dated July, 1989.

AND

In the matter of :

An Industrial Dispute

BETWEEN

FORM-H

(See Rule-53)

Employers in relation to the Management of M/s. Dankuni Coal Complex of Coal India Ltd., P.O. Dankuni, District. Hooghly, West Bengal.

AND

Their Workmen, represented by Rastriya Coal Mazdoor Sangh (INTUC) 13, R. N. Mukherjee Road, Calcutta-700001 (hereinafter referred to as the Union).

The Company most respectfully.

SHEWETH :

1. That today i.e. 18th November, 1991 the aforesaid matter is fixed for further hearing

2. That in the aforesaid matter the employee as well as the Union and the Management of Dankuni Coal Complex in their endeavour to improve and maintain a better Industrial relation agreed as under and to withdraw the said dispute from the Hon'ble Central Government Industrial Tribunal, Calcutta. The term of the settlement is as follows :-

1. That Smt. Banani (Kar) Roy Chowdhury, Grade-III Clerk, on her completion of 1 year service (w.e.f. 9-10-1986 to 8-10-1987) will be placed in clerical Grade-II in her department w.e.f. 9-10-1987.
2. This will be full and final settlement of the dispute and no claim whatsoever for the past period either by Smt. Banani (Kar) Roy Chowdhury or by the Union will be demanded.
3. The dispute raised and pending before the Hon'ble Central Government Industrial Tribunal, Calcutta will be withdrawn by Smt. Banani (Kar) Roy Chowdhury and the Union and the Management of Dankuni Coal Complex. For this the party concerned/Advocate will submit joint application for permission of the Hon'ble Tribunal.

A copy of the Settlement arrived by and between the Employees as well as the Union and the Management of Dankuni Coal Complex is annexed hereto and marked with the letter 'A'.

4. That in the aforesaid circumstances the Hon'ble Central Government Industrial Tribunal may be pleased to pass an award in terms of the Settlement arrived and by and between the Employees as well as the Union and the Management of Dankuni Coal Complex.

5. That unless an award be passed by the Hon'ble Central Government Industrial Tribunal, Calcutta the petitioner will suffer prejudice.

In the circumstances This Learned Tribunal would be pleased to pass :

- (a) An award in terms of the settlement as mentioned in paragraph 2 of the instant petition arrived by and between the Employees as well as the Union and the Management of Dankuni Coal Complex.
- (b) And such further order or orders and/or direction or directions as this Learned Tribunal may seem fit and proper.

And the company as in duty bound, shall ever pray :

Verification

I, Shri Amiya Kumar Chander, and being the Deputy Personnel Manager of M/s. Dankuni Coal Complex of Coal India Ltd. and state that the statement made in paragraphs 1 to 3 of the instant applications are true to my knowledge and those made in paragraph 4 and 5 are my humble submission before this Learned Tribunal and I sign the instant petition at the Learned Tribunal's Office on this the 18th day of November, 1991.

Form of Memorandum of Settlement

Name of the Parties :

Representing Employer :

1. Sri Subrata Sarkar,
Personnel Manager.
2. Sri S. B. Das Mahapatra,
Sr. Personnel Officer.

Representing Workman :

1. Mrs. Banani (Kar) Roy Chowdhury,
Grade-III Clerk,
Dankuni Coal Complex.
2. Sri K. K. Dey,
Secretary, (RCMS) DCC Branch,
Dankuni, Hooghly.

Short Recital of the Case

Whereas the Central Government vide its Notification No. L-27012(4)/89 IR (C-II) dated 7-7-89 of Ministry of Labour referred a dispute under Sub-section 2-A of Section 10 of Industrial Disputes Act, 1947 to the Central Government Industrial Tribunal, Calcutta for adjudication on the following term of reference as per the Schedule below :

"Whether the action of the Management of Dankuni Coal Complex, Coal India Ltd. Dankuni, Hooghly in reverting Mrs. Banani (Kar) Roy Chowdhury from Clerk Grade-II to Grade-III w.e.f. 9-10-86 and deducting Rs. 350.24 and Rs. 18 from the salary of April, 1987 is justified? If not, to what relief the workman concerned is entitled?"

The Employee as well as the Union and the management of Dankuni Coal Complex in their endeavour to improve and maintain a better Industrial Relation agreed as under and to withdraw the said dispute from the Hon'ble Central Government Industrial Tribunal, Calcutta.

Term of Conditions

1. That Smt. Banani (Kar) Roy Chowdhury, Grade-III Clerk on her completion of 1 year service (w.e.f. 9-10-86 to 8-10-87) will be placed in Clerical Grade-II in her department w.e.f. 9-10-87.
2. This will be full and final settlement of the dispute and no claim whatsoever for the past period either by Smt. Banani (Kar) Roy Chowdhury or by the Union will be demanded.
3. The dispute raised and pending before the Hon'ble Central Government Industrial Tribunal, Calcutta will be withdrawn by Smt. Banani (Kar) Roy Chowdhury and the Union and the Management of Dankuni Coal Complex. For this the party concerned/Advocate will submit joint application for permission of the Hon'ble Tribunal.

Signed on the date 5th November, 1991.

Signature of the
Representing Management.

Sd/-

1. Sri Subrata Sarkar,
Personnel Manager.

Sd/-

2. Sri S. B. Das Mahapatra,
Sr. Personnel Officer.

Signature of the
Parties/Union.

Sd/-

1. Smt. Banani (Kar) Roy Chowdhury,
Clerk, Grade-III, DCC, Dankuni.

2. Sri K. K. Dey,
Secretary, (RCMS) DCC Branch,
Dankuni Coal Complex, Dankuni.

Witnesses :

Sd/-

1. Arun Kr. Dasgupta

Sd/-

2. Sujan Kr. Chakraborty

नई दिल्ली, 5 दिसम्बर, 91

का. आ. 3202 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल बैंक फार एग्रीकल्चर एण्ड रूरल डिवलपमेंट के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-91 को प्राप्त हुआ था।

New Delhi, the 5th December, 1991

S.O. 3202.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of National Bank for Agriculture and Rural Development and their workmen, which was received by the Central Government on 5-12-1991.

ANNEXURE

BEFORE SHRI ARIAN DEV. PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
PANDU NAGAR, DEOKI PALACE ROAD, KANPUR

Industrial Dispute No. 163 of 1989

In the matter of dispute

BETWEEN

Shri Suresh Ch M. Shakeel, 1, Abdul Aziz Marg, Lucknow,

AND

The Chairman, National Bank for Agriculture and Rural Development, 11 Mahatma Gandhi Marg, Lucknow.

AWARD

1. The Central Government Ministry of Labour vide its Notification No. L-12012/24/89-IR Bank I dated 19-7-89 has referred the following dispute for adjudication to this Tribunal :

Whether the General Manager, National Bank for Agriculture and Rural Development, Lucknow was justified in terminating the services of Shri Suresh Sweeper w.e.f. 5-2-83, in violation of Section 25, F, G and H of the I. D. Act, 1947, if not to what relief the workman was entitled to ?

2. On 2-8-91, from the side of the workman affidavit evidence was filed in the case and the copy of the same was delivered to the management. Thereafter the case was ordered to come up on 26-9-91 for the cross examination of the workman. On 26-9-91 neither the workman nor his authorised representative appeared in the case. One Shri N. K. Srivastava, appeared on behalf of the management. Even no application was filed on behalf of the workman. It thus appears that the workman is not interested in prosecuting the case.

3. Therefore in view of the facts referred to above appears that the workman is not interested in prosecuting his case and as such a no claim award is given in the case.

4. Reference is answered accordingly.

ARIAN DEV. Presiding Officer
[No. L-12012/24/89 IR (Bank-I)]

का. आ. 3203 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, श्रम न्यायालय, जबलपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 4-12-91 को प्राप्त हुआ था।

S.O. 3203.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 4-12-1991.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(170)/1989

PARTIES :

Employers in relation to the management of State Bank of India, Region No. 1 Raipur (MP) and their workman Shri P. N. Rao, Official-in-charge, Raipur represented through the State Bank of India Staff Congress (INTUC) 5, State Bank Colony, Phaphadi, Post and District Raipur (MP)-492001.

APPEARANCES :

For Workman—Shri D. P. Tiwari.

For Management—Shri D. K. Patra.

INDUSTRY : Banking DISTRICT : Raipur (MP)

AWARD

Dated, the 18th November, 1991

This is a reference made by the Central Government, Ministry of Labour vide its Notification No. L-12012/129/89 IR (B 3) dated 7th September, 1989, for adjudication of the following dispute :—

"Whether the action of the management of State Bank of India, Region I, Raipur (M.P.) in transferring Shri P. N. Rao, Official-in-charge, Raipur Branch to Bagoahara Branch as per management's letter No. RO/RM/I/15/AS/8170 dated 26-11-1987 and No. RO/I/15/AS/1085 dated 11-3-1988 is just and fair ? If not to what relief is the workman entitled to ?"

2. Material facts that emerge from these verbose pleadings are that Shri P. N. Rao an Official-in-charge in the Clerical Cadre at Raipur Branch of the State Bank of India was transferred to Bagoahara Branch vide letters of the management dated 26-11-1987 and 11-3-1988 in the said capacity. The workman has referred to the provisions of Sastri Award as modified by the Desai Award and various Bipartite Agreements entered into between the parties are not in dispute.

3. It is alleged by the workman that consequent upon the Agreement dated 31st May 1982 all Sub-offices stood up graded and the post of the Official-in-charge and Cashier Incharge stood abolished. There is no specific denial to this fact.

4. There existed two unions of workers viz. State Bank of India and Subsidiary Bank Employees Union, Bombay (hereinafter referred to as Bombay Union in short) and State Bank of India Employees Union (Bhopal) Circle Bhopal (hereinafter referred to as Bhopal Union in short). While the former union has been recognised by the management, the Bhopal union has been discriminated. The Bombay union is a stooge and is interested in appearing the management. The Bhopal union is an eye sore to the management.

The workman having joined the Bhopal union in about the month of October 1987 the management was prejudiced against him and by way of victimisation he was transferred to Bagoahara Branch of the State Bank of India. Incidentally an employee named Shri A. K. Roy who was on deputation from Bagoahara at Raipur on the material date was not relieved and sent back to meet the Bank's need. The workman and his union opposed the said move of the management on the ground of hostile discrimination and violation of the terms and the spirit of the Bank's Agreement dated 31-5-1982 which amount to unfair labour practice. It is pertinent to note that the management while issuing the order of transfer on 11-3-1988 relieved him immediately to deprive of his right of raising the dispute so that status quo may be avoided. The impugned order of transfer is mala fide and is made with ulterior motive to coerce the workman to leave the membership of the union of his choice.

5. The workman is not bound to obey an arbitrary and unjustified orders. In a similar case of M. Hussain Vs. Union of India, M.P. No. 879 of 1984 vide its order dated 10-7-1985 the High Court of M.P. allowed the petition of worker and quashed the order of transfer dated 23-7-85. An interim relief has been granted by this Tribunal in other case also. Apart from the present workman, the other workman of the Bhopal Union has also been harassed which is treated by the management as the rival union.

6. Orders of transfer are therefore liable to be quashed. The management be directed to treat the workman on duty continuously since 11-3-1988 at Raipur Branch with all benefits, full wages, increments, medical aid, bonus, leave and other entitlements with costs of these proceedings.

7. The management does not dispute the alleged award and Bipartite Settlement.

8. The management has also not questioned the Unions. What the management says is that Bhopal Union is not recognised union. But his transfer has nothing to do with the workman joining the rival union. There is no discrimination whatsoever. No mala fides, no malpractice, no victimisation. His transfer was made on the administrative ground in the public interest and was posted as Official-in-charge by correcting the earlier order dated 26-11-1987. He was already working at Raipur Head Office for last four years and his transfer was made in the normal course of business. Shri A. K. Roy's case is different and he was transferred on the ground of sickness. Reference is, therefore, liable to be rejected.

9. Reference was the issue in this case.

REASONS FOR MY FINDINGS

10. The management has proved eight documents Ex. M/1 to Ex. M/8. The workman has proved none. The workman has, however, examined Shri Raj Kumar Jain, Dy. General Secretary of the Bhopal Union who has filed an affidavit in support of the case of the workman. The workman has examined himself as WW-2 and filed an affidavit in support of his case. Management has, however, filed an affidavit of Shri Narayan Prasad Sharma and has examined him as MW-1.

11. This Tribunal is not sitting here to adjudicate upon the conduct of the management in relation to the Bhopal Union. Workman has also not raised the question that he has not been posted on the equivalent post or by posting at Bagoahara he has been demoted or he has been put to any financial loss. WW-1 admits in para 8 of his deposition in his cross-examination that due to shouting outside the main Branch of Raipur he was suspended. He has further admitted in para 12 of his cross-examination that the work has increased at Bagoahara Branch. This witness has further admitted in para 13 of his deposition that the workman, P. N. Rao, was posted at Raipur since the year 1984. He could not point out that any officer of the management had an enmity or ill-will to Shri Rao.

12. Coming to the testimony of WW-2 P. N. Rao, the workman concerned, we find that he could not deny in para 3247 GI/91-10

13 of his deposition that Bagoahara Branch has been up graded and the work has increased from 1979. He could not deny that no passing officer has been posted at Bagoahara. He admits that he had passing powers. He further admits in para 17 of his deposition that Shri A. K. Roy was not getting any special allowance because he was not O.J.C. Thus his case was different. According to the management, he was sick and therefore he was posted to Raipur at his request. Management has filed document Ex. M/5 in support thereof. Thus case of Shri A. K. Roy is entirely different.

14. This workman has further admitted in para 19 of his deposition that though he has resigned from the Bombay Union in the year 1977, subscription for the said union is being recovered from him. He has not filed that protest letter. He has not raised any objection in this regard as admitted by him. This is a circumstance to be considered.

15. MW-1 Narayan Prasad Sharma has gone ahead to say in para 10 of his deposition that no O.I.C. has been posted at Bagoahara since 26-11-1987. He was cross-examined on 20-2-91.

16. There is no direct bearing in relation to the action taken against the other workman. There is no evidence to show that the management had any ill-will towards the workman concerned.

17. Even though it has not been patently established but otherwise also by joining a rival union it cannot be said that the management was vindictive or his transfer was by way of punishment or for any reasons which call for interference of this Tribunal. The transfer is the choice of the management. It is not the right of the workman as has been constantly held in various judgments of the Supreme Court that the workman has to serve in accordance with the convenience and the administrative exigencies of the master and courts or tribunal should be slow in interfering in the matters of transfer. It is needless to say that it is for the executive to decide posting at larger public interest. These facts have been amply established by the management.

18. Merely because the workman was relieved on the date on which he received the second order of transfer would not lead to a conclusion that the transfer was vindictive or by way of punishment or mala fides. It may be noted that he got the first transfer order on 26-11-1987. It was subsequently corrected and issued on 11-3-1988. Thus this second order was not a surprise to him.

19. I must not hesitate in expressing that such hue and cry is unwarranted which impure the working of the management and thereby adversely impair the public interest. It is high time for the workman to feel their responsibilities and to act as disciplined body, so should be the trade union and the management.

20. Reference has no force. Period of non-joining of the workman at Bagoahara should be converted into leave available to him despite the fact that the workman deserves punishment but it appears to be a case of ignorance rather than mischief. No interference is called for in the order of transfer and the workman is directed to join as early as possible at Bagoahara Branch. Reference is accordingly answered as follows :-

The action of the management of State Bank of India, Region I, Raipur (M.P.) in transferring Shri P. N. Rao, Official-in-charge, Raipur Branch to Bagoahara Branch as per management's letter No. RO/RM/I/AS/8170 dated 26-11-1987 and No. RO/I/15/AS/1085 dated 11-3-1988 is just and fair. Workman is not entitled to any relief except that the period of non-joining at Bagoahara should be converted into leave available to him. No orders as to costs.

V. N. SHUKLA, Presiding Officer

[No. L-12012/129/89-JR (B-3)]

S. C. SHARMA, Desk Officer

नई दिल्ली, 5 दिसम्बर, 1991

नई दिल्ली, 9 दिसम्बर, 1991

का. आ. 3204 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्थ ईस्टर्न रेलवे, लखनऊ के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-12-91 को प्राप्त हुआ था।

New Delhi, the 5th December, 1991

S.O. 3204.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of North Eastern Railway, Lucknow and their workmen, which was received by the Central Government on 2-12-91.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR.

Industrial Dispute No. 102/90

In the matter of dispute between

The General Secretary,
Purvottar Railway Shramik Sangh,
6 Navin Market Kaisarbagh,
Lucknow.

AND

The Senior Divisional Personnel Manager,
NER Ashok Marg, Lucknow.

AWARD :

1. The Central Government, Ministry of Labour, vide its notification No. L-41012/83/89-D.2(B) dated 14-3-90, has referred the following dispute for adjudication to this Tribunal :—

Whether the Sr. Divisional Personnel Officer North Eastern Ry., Lucknow was justified in terminating the services of Shri Abdul Khaliq Khan w.e.f. 17-7-86? If not what relief the workman was entitled to ?

2. In the instant case 18-11-91 was fixed for filing of the evidence on behalf of the Union. I may state here that despite giving of several opportunities the Union did not file evidence in the case, till 10th November, 1991. On 18th November 1991, neither the workman nor any one from the side of the Union appeared in the case.

3. It, therefore, appears that neither the Union nor the workman is interested in prosecuting in the case.

4. Therefore in the circumstances of the case a no claim award is given against the Union/workman.

ARJAN DEV, Presiding Officer

[No. L-41012/83/89-D. II(B) (Pt.)]

का. आ. 3205 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीनियर सुपरिन्टेंडेंट आफ पोस्ट आफिस, जबलपुर, के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-91 को प्राप्त हुआ था।

New Delhi, the 9th December, 1991

S.O. 3205.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sr. Supdt. of Post Offices, Jabalpur and their workmen, which was received by the Central Government on 4-12-91.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M. P.)

CASE NO. CGIT/LC(R)(90)/1986.

PARTIES :

Employers in relation to the management of Senior Superintendent of Post Offices, Jabalpur and their workmen, represented through the Bhartiya Dak Karamchhari Maha Sangh, Class III, Jabalpur (MP).

APPEARANCES :

For workmen—Shri C. L. Okas.

For Management—Shri T. G. Koshtthi.

INDUSTRY : P & T DISTRICT : Jabalpur (MP)

AWARD

Dated, 18th November, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-40011/6/84-D.II(B) dated November, 1986, for adjudication of the following dispute:—

Demand No. 5 : “Whether the action of the management of Senior Superintendent of Post Offices, Jabalpur in not selecting Shri K. P. Pandey to the post of LSG with effect from 1-6-1974 is justified? If not to what relief is the workman concerned is entitled?

Demand No. 8 : Whether the action of the management of Senior Superintendent of Post Offices, Jabalpur in not allowing Shri C. L. Okas, A.P.M. Jabalpur, to cross Efficiency Bar with effect from 1-5-78 is justified? If not, to what relief is the workman concerned entitled ?

Demand No. 17 : Whether the action of the management of Senior Superintendent of Post Offices, Jabalpur in placing off duty Sri Ashok Kumar, E.D., B.P.M. Piparia is justified? If, not to what relief the workman concerned is entitled?

Demand No. 22 : Whether the action of the management of Senior Superintendent of Post Offices, Jabalpur in denying promotion to Shri Jalam Singh to the post of Overseers Cadre with effect from 1974 is justified? If not to what relief the workman concerned is entitled?

2. The case of Shri K. P. Pandey as advanced by the management is as under :—

SHRI K. P. PANDEY CASE :

Shri K. P. Pandey was posted as L.S.G., S.P.M. Sihora, District Jabalpur. He was not selected and promoted on the post of L.S.G. and his name was dropped in the D.P.C. held at Circle Office, Bhopal on 22-4-1974 on the ground that the D.P.C. did not find the Confidential Report satisfactory, hence he could not be selected to L.S.G. Representations as made by him were rejected.

According to Shri K. P. Pandey, there was nothing adverse against him. No adverse C. R. was ever communicated to him. He had a good service record and hence he was entitled to be selected and promoted for the said post.

SHRI C. L. OKAS :

3. The case of Shri C. L. Okas as advanced by management is as under :—

Shri C. L. Okas was working as Sub Post Master, Jabalpur. He is leading a retired life. His case relates to non-allowing him to cross E.B. on account of the fact that the D.P.C. did not allow him to cross the E.B. on the said date i.e. 1-5-78, but allowed to cross the E.B. w.e.f. 1-5-79 on the recommendation of the D.P.C. Shri C. L. Okas had submitted an application before this Court about this claim which was rejected. He is not entitled to any relief.

The workman Shri C. L. Okas says that there was nothing adverse against him in the C.R. and since his E.B. was opened with effect from 1-5-79 he was entitled to the increments with effect from 1-5-78 unless otherwise ordered. There being nothing adverse against him his E.B. could not be stopped.

The case of one Shri Pooran Lal who was entitled to cross his E.B. w.e.f. 29-7-70 was considered and he was permitted to cross his E.B. w.e.f. 29-7-70 after a lapse of 16 years.

SHRI ASHOK KUMAR, E. D. :

4. According to the management the case of Shri Ashok Kumar is that he was appointed as E.D.B.P.M. Piparia under the authority of Senior Supdt. of Post Offices, Jabalpur on 5-8-81. He was appointed to sell postage stamps and postal stationary, book money orders and book registered letters and to serve the

residents of Piparia village near Khamaria, Jabalpur under the Rural Development Scheme sponsored by Central Government. A report from the Sub-Postmaster, Khamaria, Jabalpur, was received to the effect that Shri Ashok Kumar was absenting from duty on 2nd June, 1983, 15th June, 1983, 18th June 1983 and 21st June 1983. Hence he was put off duty vide Memo dated 21-6-83. An enquiry was directed on representation of the workman and he was reinstated on 21-7-1983.

But again it was reported on 20th December 1983 that the workman remained absent from duty off and on. He was again put off duty with effect from 30th April 1984. On representation he was again reinstated on 22-6-84. Thus he was put off duty twice and by liberal consideration he was again reinstated. He has now no grievance and his reference is liable to be dismissed.

Shri Ashok Kumar on his part has stated that he was put off for a pretty long time without any reason. He has been again removed from duty with effect from 25-12-1986. He is out of job. He was asked to join as E.D. Porter, Badhaiyakhara. He has not been given the charge of the post so far. Senior Supdt. of Post Offices, Jabalpur has been requested on this issue.

SHRI JALAM SINGH :

5. Shri Jalam Singh's case, according to the management, is that he was working as Cash Overseer, Jabalpur HPO since 2-4-81 and retired in the year 1986. The cadre of Mail Overseer/Cash Overseers/S.T.C. Postman is a separate cadre and the promotion to this cadre is given to the Postman on the basis of seniority-cum-fitness. The D.P.C. was held in the year 1980 and the workman was approved for promotion to Mail Overseer Cadre and posted as Mail Overseer, Katni by order dated 6th May 1980, but he did not join his new assignment and requested for cancellation of his posting order on the ground of ill health. The D.P.C. for promotion under time bound Scheme met in the month of February 1984 and the workman having completed 16 years of service in the cadre was promoted to higher cadre Overseer. The demand is incorrect and is liable to be rejected.

Workman says that he was working as Cash Overseer, Jabalpur with effect from 9-1-82. He should have been promoted in 1974. As per seniority the Sr. Supdt. of O.S. vide his Memo No. B4/61/M.O. dated 6-5-80 selected him as Cash Overseer/Mail Overseer, Katni and official officiated only from 9-1-81 Jabalpur HPO. His juniors were promoted to Cash Overseers cadre & Sorting Postman.

6. Reference was the issue in the instant case.

REASONS FOR MY FINDINGS :

7. Management has not led any evidence whatsoever. Management has proved one document Ex. M/1.

8. Workmen have filed their respective affidavits in support of their cases.

9. Now we take up the case of the workmen concerned one by one.

CASE OF SHRI K. P. PANDEY :

10. From the un rebutted affidavit of Shri K. P. Pandey it is very clear that 16 juniors have superseded him. There was neither any adverse remark in his file nor any adverse entry was communicated to him. He has been regularly utilised for the post of higher responsibility since 1968. In view of the fact that there was nothing adverse against the workman his case should have been favourably decided while D.P.C. held on 22-11-74. There being nothing contrary to this he is entitled to be selected and posted to the post of, L.S.G. on the basis of D.P.C. held on 22-4-74 and be placed above the next incumbent in seniority with all consequential benefits.

CASE OF SHRI C. L. OKAS :

11. So far the case of Shri C. L. Okas is concerned, from his unchallenged affidavit it is established that he was not permitted to cross E.B. w.e.f. 1-5-78 for which he was entitled to. He is accordingly entitled to cases E.B. with effect from 1-5-78 with all consequential benefits arising therefrom.

CASE OF SHRI ASHOK KUMAR OKAS :

12. Coming to the case of Shri Ashok Kumar we find that according to the management he was twice put off duty and was again reinstated on 22-6-84. According to the workman he has been removed from service with effect from 15-12-86. The reference appears to have been made in November, 1986. Thus his services have been terminated after the reference was made. This point cannot be decided in this reference because this is not in issue under reference. Thus no award can be passed so far as the case of Shri Ashok Kumar Okas is concerned.

CASE OF SHRI JALAM SINGH :

13. Now coming to the case of Shri Jalam Singh, considering his affidavit his case stands proved. The affidavit remains un-challenged. Management has not been able to prove that he refused to join his new assignment on promotion in the year 1986. According to him, his juniors were promoted earlier. He may be accordingly promoted and placed above the next junior to him with all consequential benefits arising therefrom. He would, however, not be entitled to salary for this period and the promotion shall be notional.

14. Reference is accordingly answered as under :

Demand No. 5 : The action of the management of Senior Superintendent of Post Offices, Jabalpur in not selecting Shri K. P. Pandey to the post of LSG with effect from 1-6-74 is not justified. He is entitled to be selected and posted as LSG on the basis of DPC held on 22nd April 1974 with all consequential benefits including seniority.

Demand No. 8 : The action of the management of Senior Superintendent of Post Offices, Jabalpur in not allowing Shri C. L. Okas, A.P.M., Jabalpur to cross Efficiency Bar with effect from 1-5-78 is not justified. He is entitled to cross E.B. with effect from 1-5-78 with all consequential benefits arising therefrom.

Demand No. 17 : No Award in the case of Shri Ashok Kumar is passed as stated in para 12 of the award.

Demand No. 22 : The action of the management of Senior Superintendent of Post Offices, Jabalpur in denying promotion to Shri Jalam Singh to the post of Overseers Cadre with effect from 1974 is not justified. He is entitled to be promoted and placed above the next junior to him with all consequential benefits arising therefrom except the salary for this period and promotion shall be treated notional.

Parties will bear their own costs.

V. N. SHUKLA, Presiding Officer

[No. L-40011|6|84-D. II(B) (Pt.)]

का. आ. 3206—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रिय सरकार सोनियर सुपरिन्टेंडेंट ऑफ पोस्ट ऑफिस, नागपुर के प्रबंधक के सबद्व नियोजकों और उनके कर्मचारों के बीच अनुबध्द में निम्नलिखित औद्योगिक विवाद में केन्द्रिय सरकार औद्योगिक आधिकरण जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रिय सरकार को 4-12-91 को प्राप्त हुआ था।

S.O. 3206.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Senior Supdt. of Post Offices, Nagpur and their workmen, which was received by the Central Government on 4-12-1991.

[No. L-40012|12|87-D.II(B)(Pt.)].

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

CASE NO. CGIT|LC(R) (46)|1988

PARTIES :

Employers in relation to the management of Senior Supdt. of Post Offices, Nagpur (MS) and their workman, Shri Shyam R. Kahile, C/o. All India P&T Employees Federation, Tiratna, 62, Old Subhedar Layout Extension, Nagpur-440 024.

APPEARANCES :

For Workman.—Shri A. S. Bhjagat, Advocate.

For Management.—None.

INDUSTRY : P&T DISTRICT : Nagpur (MS)

AWARD

Dated : November 15, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-40012|12|87-D. II(B) dated 6th May 1988, for adjudication of the following dispute :—

"Whether the action of the management of Sr. Superintendent of Post Offices, Nagpur in terminating Shri Shyam R. Kahile from service with effect from 31-5-1983 is justified? If not, to what relief the workman concerned is entitled?"

2. Facts leading to this case are that Shri Shyam Rajaramji Kahile was appointed as daily wages Postman Nagpur City Post Office with effect from 15-4-1981. The post of Postman is of permanent nature. It is not denied that his services were terminated on 11-5-1983. However, in the order of reference his services are said to have been terminated with effect from 31-5-1983.

3. Workman says that he has worked for a period of two years with 730 days. His services were abruptly terminated without giving notice or retrenchment compensation in violation of the provisions of Section 25-F of the I.D. Act and it amounts to unfair labour practice under Item No. 10 of Fifth Schedule. The order of termination is accordingly liable to be quashed.

4. According to the workman in the light of the judgment dated 17-1-1986 in C.P.W.D. Vs. Their workmen (CLRFEB. 1986) the Supreme Court held that only 180 days continuous service within six months combines with counting of Sundays and Holidays intervening the daily wages services must be counted towards counting as daily wages and this should be the criteria for regularisation of daily wages employees on permanent post under the doctrine of equal pay for equal work. The workman having completed 180 days within six months service against a permanent post has become eligible for regularisation which has not been done. He has also been deprived of the regular pay which ranges from Rs. 300 to 350. Similar facts have been reiterated in the rejoinder. Except that according to the workman the cessation of work was not on account of the fault of the workman. It is a category 'D' post.

5. The workman is accordingly entitled to reinstatement with regularisation against the permanent post of Postman with effect from 15-4-1981 onwards with back wages and consequential benefits and Rs. 500 as costs of the proceedings.

6. Management has denied the alleged claim of the workman. According to the management, he was employed as and when the work was available due to leave of certain Postman or for other reason intermittently and his contract of service ceased by the expiry of the ending of the day. He is, therefore, not entitled to any notice or compensation and there is no contravention of Section 25-F of the I.D. Act. Management is not an industry and the Postman is not a workman under the I.D. Act. It is a Group 'C' post. Workman has not worked for 730 days from 15-4-1981 to 10-5-1983. He has worked as follows :

(A) From 11-5-1981 to 10-5-1982

Year	Month	Days worked
1981	May	15
	June	26
	July	27
	August	24

	September	25
	October	17
	November	Nil
	December	15
1982	January	24
	February	2
	March	7
	April	24
	May	10
Total		216

(B) From 11-5-1982 to 10-5-1983

Year	Month	Days worked
1982	May	9
	June	22
	July	Nil
	August	14
	September	25
	October	23
	November	24
	December	25
1983	January	25
	February	24
		119
1983	March	23
	April	Nil
	May	10
Total		224

7. Judgment of the Supreme Court does not apply to the facts of this case. He cannot count Sundays and Holidays for the purpose of Section 25-B of the I.D. Act. Reference is accordingly liable to be rejected.

8. Reference was the issue in the instant case.

REASONS FOR MY FINDINGS :

9. Undisputedly the Postman worked against the post of Postman which is of a permanent nature. Undisputedly for a period from 11-5-1981 to May 1983 he worked. Management has, however, not disputed that the workman concerned worked upto 10-5-1983 while according to the order of reference as pointed out above his services were terminated with effect from 31-5-1983.

10. Workman has proved four documents viz. His matriculation certificate Ex. W/1, Extract of the Supreme Court Judgment Ex. W/2, Office Memos Ex. W/3 and Ex. W/4 and his own Affidavit in support of his case. The workman was not cross examined, nor any evidence was adduced by the Management. On the other hand, management remained ex parte on 4-7-1991.

11. Even accepting the case of the management the period of work from April 1982 to March 1983 would be 239 actual working days. Sundays can be well counted for this purpose in view of the judgment of Workmen of American Express I.B. Corporation Vs. Management of American Express I.B. Corpn.

1986 LIC=AIR 1986 SC 458. There are other various case laws on this point which I need not refer.

12. I am not to argue out that the management is an industry and the Postman is a workman within the definitions of I.D. Act because this a settled legal position. That being so, the violation of Section 25-F is fatal in the instant case because by virtue of section 25-F read with Section 25-B of the I.D. Act the workman had completed 240 days continuous service and had become entitled for compliance of the provisions of Section 25-F of the I.D. Act. The cases referred to by the workman have not been placed before me. The extract of the judgment cannot be evaluated so also the copies of the Memos.

13. The termination of the workman is therefore void ab initio in view of various pronouncements of the Supreme Court. See--

1. State Bank of India Vs. N. Sundermoney 1976-I-LLJ p. 478.
2. L. Robert D. Souza Vs. Ex. Engineer, S.R. 1979-I-LLJ 211.
3. Mohanlal Vs. Bharat Electronics Ltd. AIR 1981 SC 1253.

12. The workman is therefore entitled to be reinstated with full back wages and regularisation against the permanent post as per rules with Rs. 500 as costs reference is accordingly answered as follows :

The action of the management of Sr. Superintendent of Post Offices Nagpur in terminating Shri Shyam R. Kahile from service with effect from 31-5-1983 rather 11-5-1983 is not justified. He is entitled to be reinstated with all back wages and consequential reliefs including regularisation. Costs of Rs. 500 awarded to the workman

V. N. SHUKLA, Presiding Officer.

[No. L-40012/12/87-D.II(B)(Pt.)]

K. V. B. UNNY, Desk Officer

नई दिल्ली, 10 दिसम्बर, 1991

का. घा. 3207—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना आवश्यक है कि इंडिया गवर्नमेंट मिंट, बम्बई जं औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची में निर्दिष्ट है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवा घोषित किया जाए,

अतः अब औद्योगिक विवाद अधिनियम, 1947 की धारा 2 के खंड (ड) के उपखंड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस - 11017/3/85 - डी - 1 (ए)]

New Delhi, the 10th December, 1991

S.O. 3207.—Whereas the Central Government is satisfied that the public interest requires that the India Government Mint, Bombay which is specified in the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/3/85-D.I(A)]

नई दिल्ली, 13 दिसम्बर, 1991

का. घा. 3208—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित है कि क्षेत्रीय ग्रामीण बैंक अधिनियम, 1976 की धारा 3 के अधीन स्थापित क्षेत्रीय ग्रामीण बैंक द्वारा चलाए जा रहे बैंकिंग उद्योग को, जो औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की मद 2 के अन्तर्गत आता है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवा घोषित किया जाना चाहिए।

अतः औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 खंड (ड) के उपखंड (6) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए छः मास की कालावधि के लिए तत्काल प्रभाव से लोक उपयोगी सेवा घोषित करती है।

[संख्या एस - 11017/2/85 - डी - I (ए)]

एस. एस. पराशर, अधर सचिव

New Delhi, the 13th December, 1991

S.O. 3208.—Whereas the Central Government is satisfied that the public interest requires that the Banking Industry as carried on by a regional rural bank established under section 3 of the Regional Rural Banks Act, 1976, which is covered by item 2 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purpose of the said Act for a period of six months.

[No. S-11017/2/85-D.I(A)]

S. S. PRASHER, Under Secy.

नई दिल्ली, 3 दिसम्बर, 1991

का.अ. 3209—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सिजुआ कोलियरी आफ मैसर्स हिस्बो के प्रबंधन से संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम (सं. 1), धनवाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-11-91 को प्राप्त हुआ था।

New Delhi, the 3rd December, 1991

S.O. 3209.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial (No. 1), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Sijua Colliery of M/s. TISCO and their workmen which was received by the Central Government on the 28-11-91.

K. J. DYVA PRASAD, Desk Officer
[No. L-20012/32/84-D.III(A)|IR(Col.1)]

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under sec. 10(1) (d) of the Industrial Disputes Act, 1947.

Reference No. 28 of 1984

PARTIES :

Employers in relation to the management of Sijua Colliery of Messrs Tata Iron & Steel Co. Ltd.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers.—Shri S. S. Mukherjee, Advocate.

For the Workmen.—Shri S. Bose, Secretary, Rashtriya Colliery Mazdoor Sangh.

STATE : Bihar INDUSTRY : Coal.

Dated, the 18th November, 1991

AWARD

By Order No. I-20012(32)/84-D.III(A), dated, the 7th May, 1984, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Sijua Colliery of M/s. Tata Iron & Steel Co. Ltd., in denying employment to the dependent son of Smt. Sukari Beldarin on her retirement after 31 years service, because one of her

sons was already independently employed, is justified in terms of the Company Policy? If not, to what relief is the dependent-son of Smt. Sukari Beldarin entitled ?”

2. The case of the management of Sijua Colliery of M/s. TISCO, Jamadoba, Dhanbad, as disclosed in the written statement, details apart, is as follows :

Smt. Sukari Beldarin was in the service of the management with effect from 3-2-78 and she retired with effect from 3-2-78 after putting in about 31 years of service. According to the practice prevalent regarding employment of a dependent of an employee of the company, one Paran Beldar, son of Smt. Sukari Beldarin, was given employment in the year 1960 on the basis of his name having been recorded in the Employees Dependent Register on the request of Smt. Sukari Beldarin and not on the basis of her son having been selected independently on merit. Paran Beldar is still in the employment of the colliery of the management. Sometime later, a written procedure for enrolment of dependent of the employees of the Company was introduced giving more detailed conditions. According to the employment procedure as introduced for outright employment of dependent of an employee, the condition is that he/she must have put in 30 years or more service before his/her retirement resignation/death or discharge on medical ground provided none of his/her dependent is in employment with the Company on the basis of his/her service and that he/she has enrolled the name of his/her dependent during his/her employment. Since Paran Beldar, the dependent of Smt. Sukari Beldarin had already been given employment on the strength of her service, the question of providing employment to one more of her dependent again does not arise. The name of any other dependent had not been enrolled by Smt. Sukari Beldarin in the Employment Register as the dependent during the tenure of her service and so the question of giving employment to her second son does not arise. Smt. Sukari Beldarin retired from service with effect from 3-2-1978 whereas the present industrial dispute for employment of her dependent was raised in 1983 i.e. after a lapse of 5 years. This being so, the claim of Smt. Sukari Beldarin for employment of her another dependent son in 1983 is an after thought. The entitlement for getting employment of the dependent can not be considered if a dependent is not eligible for employment at the time of retirement. Had any dependent of Smt. Sukari Beldarin been eligible for appointment when she retired the question of raising industrial dispute in 1983 would not have arisen. There is no legal provision to provide employment to dependent of an employee and, moreover, to a second dependent and that too after a lapse of more than five years from the date of retirement of the employee. There cannot be an industrial dispute regarding non-employment of a dependent who himself was never in employment. Hence, the action of the management in denying employment to the so-called dependent of Smt. Sukari Beldarin is justified.

3. The case of the sponsoring union, Rashtriya Colliery Mazdoor Sangh, as appearing in the written statement, briefly stated, is as follows :

Smt. Sukari Beldarin was a permanent employee of the management and she put in 31 years of contin-

uous service in Sijua colliery of M/s. TISCO beginning from 1947. The management introduced certain benefits to its employed persons and one such benefit is for providing employment to one dependent after completion of 30 years of service under the management. Sukari Beldarin completed of 31 years of service under the management in the month of February, 1978. After her retirement in February, 1978, she wanted one of her dependent sons to be employed in the colliery to which she was entitled to on the basis of her service under the management. The management, however, for reasons best to known to it, refused to provide such employment to the dependent of Smt. Sukari Beldarin. The union of the concerned worker took up the matter with the management at different levels, but to no effect. Thereafter the union raised an industrial dispute before the Asstt. Labour Commissioner (C), Dhanbad, and the appropriate Government has referred the present dispute for adjudication by this Tribunal.

4. In rejoinder to the written statement of the sponsoring union, the management has asserted that offer of an employment to a dependent of an employee is not an automatic condition of service and cannot be demanded as of right. The management has reiterated that Paran Beldar, dependent son of Smt. Sukari Beldarin had already been given employment which was not on the basis of any interview or selection but because he was dependent son of Smt. Sukari Beldarin. Therefore, Smt. Beldarin was not entitled to the employment of her second dependent on the strength of her service. It was decided in an union and management meeting held on 7-7-77 that employment of second dependent should be considered only if the first dependent is selected through written test and interview only. It was explained to Smt. Sukari Beldarin that since one of her sons was already employed on the strength of her service, the question of offering employment to a second dependent does not arise.

5. In the rejoinder to the written statement of management, the union has stated that Paran Beldar got employment in Sijua Colliery in the year 1960 when Smt. Sukari Beldarin had put in only about 14 years of service and no dependent of her was given employment by the management at that stage. The union has further stated that the management was maintaining **record of its employees and it was for the management** to declare and circulate for general information for the workmen from time to time the correct position since majority of the employed persons are illiterate and the management can take advantage of the same.

6. The management, in order to justify its action has examined three witnesses, namely, MW-1 Amitabh Bhat'acherjee, posted to Sijua Colliery as Personnel Officer from March, 1986 to November, 1987.

MW-2 Bidyut Ghosh, at present working as Senior Personnel Officer in Director's office at Jamadoba or M/s. TISCO and MW-3 Ram Bilash Singh, working as Personnel Clerk in the Personnel Department of Sijua Colliery of M/s. TISCO and laid in evidence a copy of Employees Dependent Register marked as Ext. M-1.

On the other hand, the union has examined only the concerned worker as WW-1.

7. Undeniably, Smt. Sukari Beldarin joined the service of the management of Sijua Colliery of M/s. TISCO on 3-2-47. This fact is supported by the statement of the management in the written statement and also from the extract of the Employees' Dependent Register. It is also an ineluctable position that she was a permanent worker of the said colliery and retired from service with effect from 3-2-78 after putting 31 years of service.

8. It appears from the testimony of Smt. Sukari Beldarin that she has got two sons, namely, Paran Beldar and Meghlal Beldar. Her evidence does not disclose that she has got another dependent son or daughter. It further appears from her testimony that both of her sons are working in M/s. TISCO. The evidence on record and the pleadings of the parties arrayed do not disclose that Smt. Sukari Beldarin has got any other dependent son or daughter who is unemployed. That being so, it remains incomprehensible as to how the industrial dispute raised over the employment of one of the dependent son of Smt. Sukari Beldarin can survive.

9. Anyway, the firm case of the management is that Paran Beldar, dependent son of Smt. Sukari Beldarin was given employment in the year 1960 on the basis of his name having been recorded in the Employees' Dependent Register and on the request of Smt. Sukari Beldarin and not on the basis of her son having been selected on merit. Although it appears to be the case of the union that Paran Beldar got employment in the establishment of the management independently of the service of his mother Smt. Sukari Beldarin, the statement of fact made by the management in regard to the employment of Paran Beldar in the service of the management on the strength of the service of Smt. Sukari Beldarin has not been specifically denied by the union.

10. In her testimony before this Tribunal Smt. Sukari Beldarin has simply stated that she did not file any application for employment of her son, Paran Beldar before the management. In cross-examination she has denied that Paran Beldar got employment in TISCO on the basis of her service.

11. MW-1 Amitabh Bhattacharjee was posted as Personnel Officer in Sijua Colliery from March, 1986 to November, 1987. He proved an extract of Employees' Dependent Register (Ext. M-1) and according to him, the extract discloses that Smt. Sukari Beldarin enrolled her son, Paran Beldarin as her dependent. He has also testified that Paran Beldar drafted into employment of the company before retirement of Smt. Sukari Beldarin. According to him, there is no practice obtaining in the company for giving employment to the dependent of a worker whose another dependent is also given employment. MW-3 Ram Bilash Singh has produced the Employees' Dependent Register in original and asserted that Ext. M-1 is the extract of the register produced by him. Adverting to Employees' Dependent Register he has stated that Budhan Mia's son Mohiuddin got employment in Sijua Colliery as dependent of his father

before his father completed 15 years of service. Likewise, Ku'dip Dusadh's son, Lakshmi Dusadh got employment as dependent of his father before his father completed 15 years of service. According to him, there are other instances where the dependent sons got employment before their fathers completed 15 years of service.

According to the case of the management, Paran Beldar got employment on the strength of the service of his mother, Smt. Sukari Beldarin and that he got such employment before his mother completed 15 years of service. That the case of Paran Beldar getting employment even when his mother did not complete 15 years of service is not an isolated instance is vindicated by the facts emerging from the evidence of MW-3 Ram Bilash Singh which is based on Employees' Dependent Register. MW-2 Bidyut Ghosh is posted as Sr. Personnel Officer in Director's Office at Jamadoba. Shri Ghosh with aplomb and finesse has underlined the company's rule regarding employment procedure of the dependent of any employee. According to him, as per company's employment procedure a permanent employee become eligible for enrolment of his dependent's name in the Employees' Dependent Register after completion of 15 years of service. As per company's procedure an employee who superannuates/resigns or is discharged after completion of 30 years or more service becomes eligible for employment of his dependent whose name is enrolled in the register provided none of his dependent is employed or on the employment on the strength of his service. If an employee completes more than 40 years of service he becomes eligible for employment of his second dependent. To explain the position he has further stated that if there is requirement of the company the dependent of the employees who have put in less than 30 years of service may also get employment if sufficient number of dependents of the employees who have completed 30 years' or more service are not available and in the process an employee having put in 20 years of service or less, may also get his dependent employed against requirement of the company. According to him Smt. Sukari Beldarin has also got her one dependent son, Paran Beldar employed in the company on the strength of her service and since she had not put in 40 years' or more service she is not entitled to any second dependent's employment on the strength of her service. In cross-examination he has stated that the system of enrolment of dependent's name was introduced in the early years of 1960s. This statement of his fully in conformance to the statement of the management in its written statement.

12. It appears that in the present case Paran Beldar son of Smt. Sukari Beldarin got employment in the establishment of the management before his mother Smt. Sukari Beldarin completed 15 years of service. Shri Ghosh has explained this position by stating that whenever the company is in requirement of the service of workmen and sufficient number of dependents of employees who have completed 30 years' or more service are not available, then in that circumstances the employees having put in 20 years of service or less may also get his dependent employed against requirement of the company. This

testimony of Shri Ghosh is supported by the Employees Dependent Register as I have pointed out before.

13. Paran Beldar is the son of Smt. Sukari Beldarin. It has been asserted by the management as well as by its witnesses that Paran Beldar got into the employment of the company on the strength of service of his mother, Smt. Sukari Beldarin of course Smt. Sukari Beldarin has denied this position. In my view, one of the best witnesses to enlighten the position is Paran Beldar son of Smt. Sukari Beldarin. But the union has not examined him for reasons best known to it.

14. Upon consideration of evidence on record, I come to the conclusion that Paran Beldar got employment in the establishment of the management on the strength of the service of his mother, Smt. Sukari Beldarin in Sijua Colliery. Since Smt. Sukari Beldarin did not complete 40 years of service, she is not entitled to get another dependent son of hers into the employment of the company. Besides, it appears from her evidence that both of her sons, Meghlal Beldar and Paran Beldar are in the employment of the company and there is no evidence that she has got any other dependent son. That being so, the action of the management in denying employment to her dependent son is considered to be justified.

15. Shri S. S. Mukherjee, learned Advocate for the management, has contended that the present industrial dispute is a stale one because of the fact that Smt. Sukari Beldarin retired from service in February, 1978 while the present industrial dispute was raised in 1983. Shri S. Bose, authorised representative of the sponsoring union, has contended that the position is not really so.

It is common knowledge that the union and the workmen submitted representations to the management for redressal of grievance and thereafter the dispute courses through a tortuous process of conciliation and adjudication. In this view of the matter, I do not consider that the dispute is a stale one.

16. Accordingly, the following award is rendered: the action of the management of Sijua Colliery of M/s. Tata Iron & Steel Co. Ltd. in denying employment to the dependent-son of Smt. Sukari Beldarin on her retirement after 31 years service is justified in terms of the company policy.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer
[No. L-20012/32/84-D. III (A) /IR (C-I)]

नई दिल्ली, 4 दिसम्बर, 1991

का. आ. 3210—औद्योगिक विवाद अधिनियम 1947
(1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बी. सी. सी. एल. की मृगलीडीह कोलियरी का मोहुदा एरिया सं. 2 के प्रबन्धतंत्र से संबद्ध नियोजकों

और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-91 को प्राप्त हुआ था।

New Delhi, the 4th December, 1991

S.O. 3210.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Murulidih Colliery in Mohuda Area No. II of M/s. B.C.C.L. and their workmen which was received by the Central Government on the 3-12-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I DHANBAD

In the matter of a reference under section 10(1)(d)

of the Industrial Disputes Act, 1947

Reference No. 237 of 1990

PARTIES :

Employers in relation to the management of Murulidih Colliery in Mohuda Area No. II of M/s. B.C.C. Ltd.

AND

Their Workmen.

PARTIES :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 25th November, 1991

AWARD

The present reference arises out of Order No. L-20012(173)/90-I.R. (Cool-I), dated, the 1st October, 1990 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows:

"Whether the management of Murulidih Colliery in Mohuda Area No. II of M/s. Bharat Coking Coal Ltd. is justified in dismissing Shri Bhim Roy, Tyndal from service w.e.f. 19-3-85 ? If so, to what relief the workman is entitled?"

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the

basis of terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under section 15 of the Industrial Disputes Act, 1947.

S. K. MITRA, Presiding Officer

[No. L-20012/173/90-IR(C.I.)]

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD .

Ref. 237/90

Employers in relation to the management of Murulidih Colliery

AND

Their workmen

Petition of Compromise

The humble petition on behalf of the parties to the above reference most respectfully sheweth :—

1. That the above dispute has been amicably settled between the parties on the following terms :—

TERMS OF SETTLEMENT

(a) That the concerned workmen Sri Bhim Rai will be taken back in employment as Tyndal Mazdoor and will be posted in any of the collieries falling within the jurisdiction of Mohuda Area.

(b) That the concerned workman will not claim any wages or benefits for the period of his idleness from the date of his dismissal i.e. from 2-2-85 till the date of his re-instatement of his duty except for his continuity of service to enable him to receive gratuity.

2. That in view of the above settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above, the Hon'ble Tribunal will be graciously pleased to accept the settlement as fair and proper and he pleased to pass the Award in terms of the settlement.

For the workmen

1. SHEKHAR SHARMA

Secretary, BCMS

2. (Javed Mia)

Area Secretary,
BCMS, Mohuda.

Part of the Award.

For the Employers

1. Sd.- Illegible

General Manager
BCMS Area 2

2. (RK Mukherjee)

Personnel Manager

3. (B. LAKRA)

Dy. Personnel Manager

Witness :—

1. Sd.- Illegible

2. Sd.- Illegible.

नई दिल्ली, 6 दिसम्बर, 1991

का. आ. 3211—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, मेसर्स टिस्को की मलकेरा कोलियरी के प्रबन्धतंत्र से संबंध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-12-91 को प्राप्त हुआ था

New Delhi, the 6th December, 1991

S.O. 3211.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Malkera Colliery of M/s. TISCO and their workmen which was received by the Central Government on 3-12-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

Reference No. 198 of 1986

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Malkera Colliery of Messrs. Tata Iron and Steel Company Limited, and their workmen.

APPEARANCES :

On behalf of the employers : Shri B. Joshi, Advocate.

On behalf of the workmen : S. N. Goswami, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 12th November, 1991

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10 (1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(45)/86-D.II(A). dated, the Nil.

SCHEDULE

"Whether the action of the management of M/s. Tata Iron & Steel Company Limited, P.O. Jamadoba, District Dhanbad in dismissing from service Shri Kedar Bhuia, Trammer, Malkera Colliery with effect from 1-10-1983 and stopping from work Shri Dilchand

Bhuiya, adopted son of Shri Kedar Bhuiya, is justified ? If not, to what relief are the concerned workmen entitled ?"

2. Shri Kedar Bhuiya the concerned workman is a trammer in Malkera Colliery of M/s. Tisco, Ltd. and he was alleged to have secured the employment of Dilchand Bhuiya on the length of his service. He had secured such employment declaring Dilchand Bhuja as his son but subsequently it was detected that Shri Dilchand Bhuia was not his son and in this way he committed fraud and dishonesty in connection with the Company's property and business. Accordingly he was issued with a chargesheet No. 35/82. He submitted his explanation which was found not satisfactory and accordingly a domestic enquiry was held. The report of the enquiry officer was considered and ultimately the concerned workman was dismissed from the company's service with effect from 1-10-83 vide order dated 28-9-83 (M-4).

3. The management and the concerned workman both filed their respective W.S. On behalf of the concerned workman it was stated that he was a permanent employee of Malkera colliery working as Trammer with effect from 1-7-54. It was stated that according to the procedure for employment of the dependent of employees after completion of 15 years of service with the company an employee may get the name of his dependent enrolled in the Respondent's Register maintained at the colliery. Adopted son is also considered as a son and accordingly he got the name of Dilchand Bhuia entered as his son on 8-7-77. It was stated that Kedar Bhuia had no son prior to adoption of Dilchand Bhuia rather he had 2 daughters only. Therefore according to the rites and customs and usages he adopted Dilchand Bhuia on 10-9-60 to perpetuate his hereditary and for his cremation performance after his death with the consent of the natural parents of the adopted son.

4. It was further stated that on 10-9-60 (DATTAK HOMMAN) known as Gaud ceremony was performed according to Hindu rites and customs and Sweets and prabhaj were also given by the adoptive father. It was urged that he had filed an application for employment of Dilchand Bhuia on the length of his service and the management carefully scrutinised verified and enquired into the matter of genuineness regarding relationship between the concerned workman and his adopted son Dilchand Bhuia and after satisfaction the name of Dilchand and Bhuia was enrolled in the E.D. Register.

5. The concerned workman stated through the W.S. that the chargesheet was illegally issued against him and it was motivated, baseless and concocted. It was also submitted that he did not do anything amounting to fraud and dishonesty. Accordingly it was prayed that reference be answered in favour of the concerned workman with back wages including consecutive benefits and that the management be directed to reinstate the concerned workman and Dilchand Bhuia from their dismissal and stoppage of work respectively.

6. Admittedly, the concerned workman was posted as Trammer on 1-9-80 and he continued in that post till his dismissal with effect from 1-10-83. It was

stated that Shri Kedar Bhuia submitted an application in the year 1977 to the Personnel Officer, Malkera Colliery for enrolment of his son Dilchand Bhuia in E.D. Register for being considered for future employment against the vacancies in the service of the colliery. Accordingly the name of Dilchand Bhuia was entered on 8-7-77 on the basis of the application of the concerned workman who also filed declaration and that Dilchand Bhuia was appointed as casual worker. However, in the year 1983 it was learnt that Dilchand Bhuia was inducted into the employment on the basis of false declaration of the concerned workman and that he fraudulently and dishonestly declared Dilchand Bhuia as his son. It was stated that before issuing chargesheet the statement of the concerned workman was taken down and there also he stated that Dilchand was not his own son. In this way there existed no ground for Dilchand Bhuia to get employment as the son of the concerned workman merely because Dilchand Bhuia was considered as son. As regards adoption it was stated that the deed of adoption was executed on 14-5-83 when Dilchand Bhuia was 25 years old and thus adoption became invalid. In this way it has been submitted that the action of the management in dismissing Shri Kedar Bhuia and stopping Dilchand Bhuia from work was legal bonafide and justified and that the concerned workman was not entitled to any relief.

7. In this case the domestic enquiry has been held to be fair, proper and in accordance with the principles of natural justice vide this court's order dated 4-10-90.

8. In the circumstances of the case we have to examine as to whether the concerned workman practised fraud and dishonesty as alleged by the management and whether the evidence available during the domestic enquiry was sufficient to hold the concerned workman guilty?

9. As per allegation contained in the chargesheet the concerned workman got the name of Dilchand Bhuia enrolled as his son for future employment on the length of his service but it was subsequently transpired that Dilchand Bhuia was not his son. I find that no source of information has been disclosed as to how the management came to know the fact. Admittedly, Dilchand Bhuia was employed as the son of the concerned workman. In reply to the chargesheet as well as in the W.S. the concerned workman stated that he adopted Dilchand Bhuia while he was aged 2 years and since then he has been showing all love and affection on Dilchand as his son. He brought up the boy from his very infancy and thus he never practised fraud or dishonesty with the management. He also stated that he adopted the boy from the year 1960.

10. From the records I find that the concerned workman had filed a petition on 17-5-77 before the Personnel Officer, Malkera colliery for enlistment of his son Dilchand Bhuia in Employees Dependent Register (hereinafter referred to as E.D. Register). Dilchand Bhuia was accordingly enlisted in the E.D. Register and the concerned workman was noticed accordingly vide letter dated 14-7-77 with necessary direction to furnish declaration to that effect in the

office of P.O. Malkera colliery. The declaration was also filed by the concerned workman. The management during the course of enquiry also filed extract photo copy of the E.D. Register whether Dilchand Bhuia was shown as his son.

11. I find that before issuing chargesheet Shri C. K. Jha had recorded the statement of the concerned workman on 4-5-83. That was recorded by Shri O. K. Jha, Group Personnel Officer, Sijua Group management's representative. In that statement the concerned workman admitted that he got the name of Dilchand Bhuia entered in the E.D. Register on 8-7-77 as his son and he was also employed as Cat. I Mazdoor on his length of service. He further stated that actually Dilchand was not his son rather he was the son of Kali Bhuia a co-villager. Since he had no son he treated Dilchand Bhuia as his son and brought him up from the age of his childhood.

12. That was the first statement of the concerned workman and he did not speak even a word about adoption. Of course as per statement he took the boy as his son and he brought him up from the very childhood. The boy also looked up the concerned workman as his father.

13. A deed of adoption dated 14-5-83 has also been filed but the learned counsel for the management passing comment upon this document stated that the deed was an after thought and the same was brought into existence to justify the stand taken by the concerned workman. The concerned workman never stated any such thing in his first statement recorded on 4-5-83 nor in his application dated 17-5-77. It was further contended that in the adoption deed Dilchand Bhuia has been shown aged 25 years but according to Hindu Adoption and Maintenance Act, 1956 boy or the girl to be adopted should not be aged more than 15 years unless the customs or the usages applicable to the parties permit such things. The learned counsel submitted that during the domestic enquiry the concerned workman did not adduce any evidence either on custom or usage. The points urged by the learned counsel for the management have got definitely legal force. But in my opinion this cannot be the proper forum to examine the validity of any adoption deed much less the deed in question. It is true that this deed came into existence much after the enrolment of Dilchand Bhuia in E.D. Register. However, in reply to the chargesheet the concerned workman stated that he adopted Dilchand Bhuia in 1960. Undoubtedly there is no previous paper worth the name to infer that the boy was adopted in the year 1960. Although the concerned workman claims to have brought up the boy and given all love and affection of a son.

14. In view of the facts noted above, it is well proved that there was no adoption at the time when the name of Dilchand Bhuia was enrolled in E.D. Register. In other words Dilchand was not the legal son of the concerned workman at that time. Whether he secured such status after the execution of the adoption deed is a question which cannot be considered and settled by this Tribunal at this stage.

15. In the back ground of these things the main crux of the question for consideration would be whether the act of the concerned workman amounted to

fraud and dishonesty as alleged in the chargesheet. The word "Fraud" has nowhere been defined in the Indian Penal Code but section 25 of the Code defines the word "Fraudulently" and it runs as follows:—

"A person is said to do a thing fraudulently if he does that thing with intent to defraud but not otherwise."

From the definition it is clear that there must be intention to defraud. Against the word "Defraud" involves two conceptions namely deceit and injury to the person deceived. An intention to defraud has to be inferred from the conduct of the accused and must necessarily involve something in the nature of cheating. In the instant case I do not think that the concerned workman had any intention to cheat the management. Deception also cannot be inferred. He was treating Dilchand Bhuia as his son and from the very infancy of the boy he was bestowing all his love and affection of father. The management did not challenge this aspect of the matter. At this stage I would also like to mention that during the domestic enquiry one witness namely Shri O. K. Jha was examined on behalf of the management but the concerned workman did not examine any witness in his defence. Shri O. K. Jha simply stated as to how he had recorded the statement of Kedar Bhuia, the concerned workman on 4-5-83 where he did not say that Dilchand was his own son. The witness was also stated to have examined other relevant papers like the application of the concerned workman and entry in E.D. Register. I find that Kedar Bhuia declined to cross-examine the witness. The statement of Kedar Bhuia was also recorded and there also he stated that he was treating Dilchand Bhuia as his son from his childhood and he got him employed as his son. He further stated that he knew that there would be any complication in future he would have adopted the boy through the Court earlier. In this way it is true that Kedar Bhuia had been treating Dilchand Bhuia as his son and he would have gone into with all the paraphernalias of adoption had he sensed about any future complication. I would like to mention here that the concerned workman comes from the lowest rank of the society and he is never expected to know what is adoption. He bonafidely and in good faith got the name of Dilchand Bhuia entered into the Register. Had it been known to him that something more, though very foreign to him was required he could have done it earlier.

16. Dishonesty has been defined under Section 24 of the I.P.C. which reads as follows:—

"Whoever does anything with the intention of causing wrongful gain to one person or wrongful loss to another person, is said to do that thing "dishonestly".

17. For the reasons stated above in the above paragraphs it can be said that the concerned workman had never intended to cause any wrongful gain to himself and wrongfully loss to the organisation. Non execution of the adoption deed earlier may be due to sheer ignorance. While deciding the case of fraud and dishonesty the Tribunal has to see and reach from the circumstances about the intention of alleged wrong doer. The concerned workman being a poor and illiterate Bhuia can hardly think and dare to show his dishonest behaviour at the stake of his service.

18. From the facts noted above and on the basis of my discussion made above, I am to hold the view that the concerned workman had never intended to commit any fraud or dishonesty with the organisation on the other hand what he did it was all in bonafide way and in good faith. In the circumstances his dismissal from the service was unwarranted. Certainly Dilchand Bhuia was not his legal son on the day he was enlisted in the E.D. Register and therefore he was not entitled to be retained in the services. Thus the management rightly stopped Dilchand Bhuia from the work and it is held accordingly. As regards Kedar Bhuia the concerned workman, the order of dismissal is hereby set aside and he is directed to be reinstated with full back wages from the date of his dismissal to the date of his reinstatement. The management is therefore directed to reinstate the concerned workman Shri Kedar Bhuia in his original job with payment of full back wages from the date of his dismissal to the date of his reinstatement within one month from the date of publication of the Award.

An Award is passed accordingly.

B. RAM, Presiding Officer.

[No. L-20012/45/86-D.III(A)]IR(Coal-D)]

का. आ. 3212 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बी. सी. सी. एल. की सरकारी कोलियरी के प्रबंधन से संबन्धित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) धनवाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-91 को प्राप्त हुआ था।

S.O. 3212.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Kharkharee Colliery of M/s. BCCL and their workmen which was received by the Central Government on the 4-12-1991.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.
PRESENT

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 281 OF 1986.

PARTIES :

Employers in relation to the management of Kharkharee Colliery of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri D. Mukherjee,
Secretary, Bihar Colliery Kamgar Union.

On behalf of the employers—Shri B. Joshi,
Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 26th November, 1991.

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/126/86-D.III(A), dated, the 7th July, 1986.

The Schedule

"Whether the demand of Bihar Colliery Kamgar Union that the management of Kharkharee Colliery of M/s. Bharat Coking Coal Limited should change in their records the date of appointment of their workman, Shri K. P. Mitra, from 23-4-1984 to 1966 is justified? If so, to what relief is the said workman entitled?"

2. Shri K. P. Mitra, the concerned workman was appointed as permanent Munshi by the erstwhile employer of Kharkharee Colliery in the year 1966. As per W.S. of the concerned workman he unfortunately suffered from T.B. and was referred to Katras Regional Hospital for treatment by the erstwhile employer through letter No. OPD(TB)/155 dated 11-7-1968.

3. After slight improvement the concerned workman reported for duty on 4-8-1969 as per advice of the doctor of the hospital. But he was not allowed to resume his duties by the erstwhile owner due to his poor health. Rather he was advised to continue his treatment in the Regional Hospital till full recovery. In this way the concerned workman remained in hospital till 2-7-1971 and thereafter he was discharged from the hospital with a certificate of fitness to do light job. Again the concerned workman approached the erstwhile owner but he was not allowed to resume his duties on the ground of non-availability of light job. It so happened that in the meantime the colliery was taken over and nationalised with effect from 1-5-1972.

4. When the colliery was taken over the concerned workman again reported for duty but he was not allowed to resume duty and was directed by the management to review his case in the Regional Hospital and to obtain a fresh discharge certificate. In this way his treatment again continued and he was declared medically fit in the year 1974. Again the management of Kharkharee colliery did not allow the concerned workman to resume his duties giving rise to an industrial dispute by the Bihar Colliery Kamgar Union and the matter was referred to CGIT No. 1, Dhanbad vide Ref. No. 51/82. It is stated that the Tribunal passed an Award in favour of the

concerned workman directing the management to reinstate the concerned workman without any back wages. But the management again started harassing the concerned workman by recording his date of appointment as 23-4-1984. The actual demand of the concerned workman is that he was appointed in the year 1966 and so his date of appointment should be the year 1966 and not 1984. This act of the management according to the concerned workman was illegal arbitrary, unjustified and against the principles of natural justice.

5. The management in reply to the W.S. of the concerned workman stated that Shri K. P. Mitra was not on the roll of the colliery when it was taken over by the management. It was stated that the concerned workman was not on the roll on 1-5-1972 and therefore he was not taken in employment giving rise to the industrial dispute vide Reference No. 51/82. The management has also quoted the operative portion of the Award which may be reproduced as follows :—

"In the circumstance, the concerned workman, Karali Prasad Mitra, is directed to present himself before the General Manager, Govindpur Area No. III of M/s. Bharat Coking Coal Limited, P.O. Sonardih, Distt. Dhanbad within which Kharkharee Colliery lies, within a month of the present award becoming final on its publication under section 17 of the Industrial Disputes Act, 1947 for his medical examination, whereupon the General Manager shall get him examined by the Medical Supdt., of the Regional Hospital, Katras within a fortnight thereafter and if he is certified by the Medical Superintendent to be fit to resume his duty as underground munshi the General Manager shall permit him to resume his duty as underground munshi with no back wages. In case the Medical Superintendent does not certify him to be fit to resume his duty as underground Munshi he shall not be entitled to any relief. The Ref. is answered and the Award is made accordingly. In the circumstances of the case there will be no order as to cost."

6. It was further stated that the Tribunal did not grant him back leave wages and continuity of service. He has not been reinstated without back wages rather he was allowed to be re-employed. It was stated that any workman remaining absent for 16 long years on account of sickness cannot be allowed continuity of service.

7. In view of the W.S. filed by the parties the main question for consideration would be whether the date of appointment of the concerned workman as per terms of the Award should be 23-4-1984 or it should be the year 1966.

8. During the course of hearing of the parties the learned counsel appearing on behalf of the workmen submitted that the Hon'ble Tribunal No. 1, Dhanbad

did not grant back wages to the concerned workman and this will be suggestive of the fact that he was reinstated and not that he was given any fresh employment. Had he not been reinstated there was no question of any reference of no back wages. On the other hand the learned counsel for the management contended that had the concerned workman been reinstated then this word ought to have been mentioned in the Award but there is no reference of any such term. Accordingly it was argued that the concerned workman was actually re-employed after his long illness and his date of appointment has been rightly recorded as 23-4-1984. It was also urged that the management did not find the name of the concerned workman on the roll when the colliery was taken over by the Government.

9. In order to appreciate this fact, in my opinion, it will be better to refer a few paragraph of the Award and then the position will be abundantly made clear. Definitely in the operative portion there does not appear any word like "Reinstatement" and hence this confusion. At this stage I may reproduce paragraph 15 of the Award (Ext. M-1) which is as follows :—

"Here, however, we are not so much concerned with the question as to whether the concerned workman was or was not in the active employment or physically on the roll of the colliery on the date of vesting of the colliery in M/s. Bharat Coking Coal Ltd., on 1-5-1972 under the Coking Coal Mines (Nationalisation) Act, 1972. What we are concerned with is the question whether he was or was not in the employment of the colliery on that date which would include absence on medical ground so long as the service is not formally and duly terminated by the employer on the ground of the colliery on 1-5-1972 when the colliery it as it is the case of the management that assuming but not admitting that the concerned workman was an employee of Khar-kharce colliery during the period of erstwhile owner his name was not on the roll of the colliery on 1-5-1972 when the colliery was nationalised under the Coking Coal Mines (Nationalisation) Act, 1972 and had vested in M/s. Bharat Coking Coal Ltd. which may be due to termination of his service by the erstwhile owner on account of the colliery on 1-5-1972 when the colliery management was under no obligation to give job to a workman who was not on the roll of the colliery of the erstwhile owner on the date of its nationalisation. The point is, however, not whether the concerned workman was physically on the roll of the colliery on 1-5-1972 but whether he was in law in the employment of the colliery on that date, and it having been once found that at one stage he was an employee of the colliery as an underground munshi during the time of the erstwhile owner he will be deemed to have continued to be in

its employment in law unless he was re-trenched or his services were formally and duly terminated on the ground of continued ill health and since nothing like that had happened in the case of the concerned workman he shall be deemed to have continued in the employment of the colliery though as an absentee employee undergoing treatment for tuberculosis on reference made by the erstwhile owner as also by the management of the Central Government after the management of the colliery was taken over by the Central Government under the Coking Coal Mines (Emergency Provisions) Act, 1971 and hence on the vesting of the colliery in M/s., Bharat Coking Coal Ltd. with effect from 1-5-1972 under the Coking Coal Mines (Nationalisation) Act, 1972, he shall be deemed to have become an employee of M/s. Bharat Coking Coal Ltd. though as an absentee employee undergoing treatment for tuberculosis."

I may also reproduce certain portion of paragraph 18 of the Award which is as follows :—

"Therefore, as already held by me above, the concerned workman was an employee of the colliery since the time of erstwhile owner though he continued to be an absentee employee since sometime in 1968 as he was undergoing treatment for tuberculosis on reference made by the erstwhile owner and the same position continued even after the management of the colliery was taken over by the Central Government under the Coking Coal Mines (Emergency Provisions) Act, 1971 with effect from 17-10-1971 when the then management had also written a letter dated 19-11-1971 to the Regional Hospital, Katras for check up and continuance of the treatment of the concerned workman and hence on the date of vesting of the colliery in M/s. Bharat Coking Coal Ltd. with effect from 1-5-1972 he became an employee of M/s. Bharat Coking Coal Ltd. in the eye of law under Section 17 of the Coking Coal Mines (Nationalisation) Act, 1972 through he was physically present on the roll of the erstwhile owner, but thereafter also he continued to be an absentee employee undergoing treatment for tuberculosis."

10. From the facts narrated in the aforesaid paragraphs it is crystal clear that the Tribunal was pleased to hold that the concerned workman shall be deemed to be in service of M/s. B.C.C.L. though as an absentee employee undergoing treatment for Tuberculosis. This means the Tribunal granted continuity of service and that was why on the operative portion of the Award he referred to word "no back wages." Although the word "Reinstatement" is missing from the operative portion of the Award but the spirit is of the continuity of service. Since the concerned

workman did not discharge any duty and hence there was no order for any back wages. The concerned workman has prayed that his date of appointment should be recorded as the year 1966 but from the award Ext. M-1 as also from the W.S. of the management it appears that he was under the treatment since the year 1968 and there was nothing to show that he was actually appointed in the year 1966. Be that as it may, it is clear that he was under the employment atleast in the year 1968 so in my opinion his date of appointment should be recorded as the year 1968 and not 1966 as claimed by the concerned workman. It is held accordingly. The management is therefore directed to treat the concerned workman in the employment since January, 1968 within one month from the date of publication of the Award.

This is my Award.

B. RAM, Presiding Officer.

[No. L-20012/126/86-D.III(A)/IR(Coal-1)]

का. मा. 3213.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी. एल. की दहीबाड़ी कोलियरी के प्रबन्धन में संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-91 को प्राप्त हुआ था।

S.O. 3213.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Dahibari Colliery of M/s. BCCL and their workmen which was received by the Central Government on 4-12-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947:

PRESENT :

Shri B. Ram, Presiding Officer.

Reference No. 94 of 1987

PARTIES :

Employers in relation to the management of Dahibari Colliery of Messrs. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri S. Chatterjee,
Asstt. Area Secretary, R.C.M.S.

On behalf of the employers—Shri B. Joshi,
Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 26th November, 1991

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(286)/86-D. III(A), dated the 27th February, 1987.

SCHEDULE

"Whether the demand of Rashtriya Colliery Mazdoor Sangh that the management of Dahibari Colliery of M/s. Bharat Coking Coal Limited should provide employment to the dependant son of late Dashrath Manjhi, a permanent workman of the colliery who expired on 15-12-1980 is justified under para 10.4.2 of National Coal Wage Agreement-II? If so, to what relief is the said dependant entitled?"

In this case both the parties appeared and filed their respective W.8 documents etc. Thereafter the case proceeded along its course. Subsequently at the stage of oral evidence, both the parties appeared before me and filed a petition of compromise under their signature. I heard them on the said petition of compromise and do find that the term contained therein are fair, proper and beneficial to both of them. Accordingly I accept the said petition of compromise and pass an Award in terms thereof which forms part of the Award as Annexure.

B. RAM, Presiding Officer

[No. L-20012(286)/86-D. III(A)/IR(Coal-1)]

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD

Reference Case 94/87

Employers in relation to the management of Dahibari Colliery.

AND

Their Workmen.

Petition of Compromise

The humble petition on behalf of the parties to the above reference, most respectfully sheweth :—

1. That, the above dispute has been amicable settled between the parties on the following terms :—

Terms of Settlement

(a) That, the dependent son of late Dasarath Manjhi will be provided with employment as Badli Miner/Loader within 30 days from the date of his reporting for duty alongwith his identification certificate and other completion of all formalities relating to his medical examination.

(b) That, if dependent son will not be found medically fit for performing the job of a Miner/Loader, he will not be provided on Badli job of Miner/Loader and will have no claim for any other job.

(c) That, the management will have right to terminate the services of the person, so employed, as dependent son of Late Dasarath Manjhi in case it will be found that he is not genuine.

(d) That, no claim for any other relief will be advanced on behalf of late Dasarath Manjhi.

(e) That no claim will be advanced disputing payment of gratuity already made to late Dasarath Manjhi.

2. That, in view of the above settlement there remains nothing to be adjudicated.

Under the facts and circumstances, stated above, the Hon'ble Tribunal will be graciously pleased to accept the settlement as fair and proper and be pleased to pass the Award in terms of the settlement. For the Workmen :

1. S. Chatterjee,
C/V Area Asstt. Secy.
C/V Area R.C.M.S. (INTUC).
2. Aloke Nath Banerjee,
Clerk C/V Area Officer.

For the Employers :

1. Sd/- Illegible
2. Sd/- Illegible

Witnesses :

1. N. R. Bhattacharjee
2. Moni Kant Jha

का. आ. 3214—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैमरी वी. सी. सी. एल. की तामरा कोलियरी के क्षेत्र नं. 11 के प्रबन्धन में संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) धनवाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-91 को प्राप्त हुआ था।

S.O. 3214.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Tasra Colliery of Bhowra Area No. XI of M/s. BCCL and their workmen which was received by the Central Government on 4-12-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 311 of 1987

3247 GI '91 - 12

PARTIES :

Employers in relation to the management to Tasra Colliery of Bhowra Area No. XI of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 26th November, 1991

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(93)/87-D. IV(B), dated, the 11th/21st December, 1987.

SCHEDULE

“Whether the action of the Management of Tasra Colliery of Bhowra Area-XI of M/s. Bharat Coking Coal Limited, P.O. Bhowra, District Dhanbad in not paying Cat. IV wages as per the Wage Board recommendation to Sri Ram Manjhi, Stone Cutter is justified? If not, to what relief the workman concerned is entitled?”

In this case both the parties appeared and filed their respective W.S. Subsequently at the time of filling documents both the parties appeared before me and filed a petition of compromise. I heard both the parties on the said petition of compromise and do find that the terms contained therein are fair and proper. I accordingly accept the said petition of compromise and pass an Award in terms thereof which forms part of the Award as Annexure.

B. RAM, Presiding Officer

[No. L-24012/93/87-D. IV(B)/IR(Coal-I)]

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2
AT DHANBAD

Reference No. 311/87

Employers in relation to the Management of
Tasra Colliery.

AND

Their workmen.

Petition of Compromise

1. That the above dispute has been amicably settled to the above reference most respectfully shewth :—

1. That the above dispute has been amicably settled between the parties on the following terms :—

Terms of Settlement

(a) That the concerned workman Sri Ram Manjhi working as Cableman from 1-7-1983, will be regularis-

ed in Category-III on time-rated scale of pay with retrospective effect from 1-7-1983. His initial basic in category-III will be fixed on 1-7-83 and the present basic in category-III will be computed after giving annual increments as per rules and fixing him in the revised scale of pay as per N.C.W.A.-IV.

(b) That the concerned workman Sri Ram Manjhi will be paid difference of wages from 1-7-1983 till the date of his fixation in Category-III as per this Settlement between the new rate and the amount actually received by him in Category-I time-rated scale on the basis of computations to be made with reference to payments received by him.

(c) That the concerned workman will not be entitled to any other relief.

2. That in view of this Settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above the Hon'ble Tribunal will be graciously pleased to accept the Settlement as fair and proper and be pleased to pass the Award in terms of the Settlement.
For the workman :

1. Raj Nandan Singh,
Vice President (B.C.K.U.),
Member Joint Committee.

2. Ram Manjhi.
LTI of Ram Manjhi

For the Employers :

1. R. S. Singh,
Manager,
Tasra M.O.C.P.
2. Bhagwan Prasad,
Dy. C.P.M.,
Bhowra Area.

Witnesses :

1. Sd/-
2. Sd/-

का. घा. 3215—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स बी. सी. सी. एल. की ईस्ट कतरास कोलियरी के प्रबंधन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-91 को प्राप्त हुआ था।

S.O. 3215.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of East Katras Colliery of M/s. BCCL

and their workmen which was received by the Central Government on 4-12-1991.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD.
In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act. 1947.

PRESENT

Shri B. Ram, Presiding Officer.

REFERENCE NO. 208 OF 1986

PARTIES :

Employers in relation to the management of East Katras Colliery of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Sri S. N. Goswami, Advocate.

On behalf of the employers—Sri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 26th November, 1991.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(381)/85-D.III(A), dated, the 6th June, 1986.

SCHEDULE

“Whether the demand of Colliery Karmachari Sangh that the management of East Katras Colliery of M/s. Bharat Coking Coal Limited should allow resumption of duties by their workmen, Shri Chhota Babua Manjhi Miner/loader is justified? If so, to what relief is the workman concerned entitled?”

In this case both the parties appeared and filed their respective W.S. documents etc. Thereafter the case proceeded along its course. Subsequently at the stage of oral evidence both the parties appeared before me and filed a compromise petition under their signature. I heard both the parties on the said petition of compromise and do find that the terms contained therein are fair, proper and beneficial to both of them. Accordingly I accept the same and pass an Award in terms of the compromise petition which forms part of the Award as Annexure.

B. RAM, Presiding Officer.

[No. L-20012/381/85-D.III(A)TR(Coal-1)]

K. J. DYVA PRASAD, Desk Officer.

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2
DHANBAD.

Reference No. 208/86

PARTIES :

Employers in relation to the Management of
East Katras Colliery of M/s. BCCL.

AND

Their Workman Compromise Petition.

The humble petition on behalf of the parties to
the above reference most respectfully sheweth :—

1. That the employers and the workman have
jointly negotiated the matter covered by the aforesaid
reference with a view to and arriving at an amicable
and acceptable settlement.

2. That as a result of such mutual negotiations the
employer and the workmen have agreed to settle the
matter covered by the aforesaid reference on the
following terms :—

TERMS OF SETTLEMENT

- It is agreed that the workman Shri Chota Babua Manjhi Miner/Loader. EKC, shall be allowed to resume his duty as Miner/Loader, maintaining his continuity of service.
- It is agreed that Chota Babua Manjhi, shall be paid 25 per cent of the wages for the idle wages from 3-10-1984 to 11-2-1991.
- It is agreed that this is an overall agreement/ settlement in respect of all the claims of the person concerned as referred to above and the sponsoring Union arising out of and connected with the aforesaid reference. The concerned workman will not be entitled to any other relief.

It is humbly prayed that the Hon'ble Tribunal will be graciously pleased to accept the settlement as fair and proper and be pleased to pass the award in terms of settlement.

And for this the employer and workman shall be duty bound ever pray.

G. RAI, General Manager, Katras Project Area.
Nanu Lal Manjhi
Br. Secy.,
Colliery Sharamik Sangh
EKC, Branch.

N. C. SINHA, Personnel Manager,
Katras Project Area.

Chota Babua Manjhi
Workman.

Witness.

1. B. Singh.

2. Keshave Maujhi.

ML

11th Day of February 1991.

By

B. JOSHI (Advocate).
4-10-1991.

Presiding Officer.

Central Govt Industrial Tribunal (No. 1)
DHANBAD

नई दिल्ली, 4 दिसम्बर, 1991

का.भा. 3216 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ बड़ोदा के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-12-91 को प्राप्त हुआ था।

New Delhi, the 4th December, 1991

S.O. 3216.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay as shown in the Annexure in the Industrial dispute between the employers in relation to the Mgt. of Bank of Baroda and their workmen, which was received by the Central Government on 2-12-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, AT BOMBAY

PRESENT :

Shri. P. D. APSHANKAR

PRESIDING OFFICER

Reference No. CGIT—2/59 of 1987

PARTIES :

Employers in relation to the management of
Bank of Baroda, Pune.

AND

Their Workmen

APPEARANCES :

For the Employer.—Shri. R. B. Pitale Representative.

For the Workmen.—Shri. Ashok Bhide Joint Secretary—All India Bank of Baroda Employees' Union.

INDUSTRY :

Banking

STATE :

Maharashtra.

Bombay, the 15th November, 1991

AWARD

The Central Government by their order No. L-12012/50/87-D.II(A) dated 25-11-1987 have referred the following industrial dispute to this Tribunal for adjudication under section 10(1) (d) of the Industrial Disputes Act, 1947.

“Whether the action of the Regional Manager Bank of Baroda, Pune, in denying the allotment of Account Machine Operators' post to Mrs. N. S. Parchure, w.e.f. 22-10-1985 is justified? If not, to what relief the workmen concerned is entitled?”

2. The case of the workman, i.e. the lady Mrs. N. S. Parchure. as disclosed from the statement of claim

(Ex. 2) filed on her behalf by the Joint Secretary of the All India Bank of Baroda Employees' Union, in short, is thus :—

The All India Bank of Baroda Employees' Union is a registered union under the Trade Unions Act, 1926. The service conditions of the workmen in the Bank are governed by different Awards, Bi-Partite Settlements and the Agreements between the Bank and their workmen. The Bank has certain posts which carry Special Allowance for the assignment of specific duties. The posts of the Accounting Machine Operators are such posts carrying the special allowance of Rs. 216/- per month as per the existing service conditions. The post of the Accounting Machine Operators are to be filled in by the Bank in accordance with the terms of Circular dated 4-6-1975 and the Agreement dated 18-4-84 between the Bank and its workmen, and they lay down that such posts/vacancies shall be filled on the basis of the city wise seniority amongst the workmen.

The post of the Accounting Machine Operator fell vacant in Pune in October 1985. One Mrs. J. A. Dighe was appointed in the said post with effect from 8-10-1985. Mrs. Dighe had joined the Clerical Cadre on 29-9-1970, but her annual increment was postponed by 49 days on account of her leave on loss of pay enjoyed by her during the previous years. The lady in question, namely, Mrs. N. S. Parchure had joined the Clerical Cadre on 20-10-1970, i.e., 22 days later than Mrs. Dighe. However, Mrs. Parchure had not availed any leave on loss of pay during her service in the Clerical Cadre. Thus, when a vacancy for the post of Accounting Machine Operator arose in Pune, Mrs. Parchure was senior to Mrs. Dighe for the purpose of reckoning the citywise seniority for the post of Accounting Machine Operator. As Mrs. Parchure was deprived of her right for the said post, she made the necessary representations to the Bank. Thereafter, the Union raised an industrial dispute before the Assistant Labour Commissioner (Central) Pune. As the conciliation proceedings ended in failure, the Central Government made the present reference to this Tribunal, as above.

3. The Union further alleged thus :—

Mrs. Parchure was eligible for appointment as Accounting Machine Operator from 8-10-1985 to 26-2-1987 and thereafter, for the post of the Electronic Accounting Machine Operator with effect from 27-2-1987 onwards. While for the post of Accounting Machine Operator there is a special allowance of Rs. 216/- per month, the post of Electronic Accounting Machine Operator carries a special allowance of Rs. 350 per month. It is only after the Union raised an industrial dispute before the Assistant Labour Commissioner, the Bank appointed

Mrs. Parchure as Electronic Accounting Machine Operator with effect from April 1987. As such, Mrs. Parchure was made to suffer a monetary loss of about Rs. 4,000 of the period from 8-10-1985 to 31-3-1987. However, the Bank has not corrected its mistake in fixing the seniority of Mrs. Parchure. As such, Mrs. Parchure has lost her seniority also. Therefore, the seniority of Mrs. Parchure must be restored with retrospective effect, i.e. from 8-10-1985. Further, by not appointing Mrs. Parchure to the post to which she was entitled, the Bank management has committed a breach of the provisions contained in section 9-A of the Industrial Disputes Act, as there was a change in the conditions of service of Mrs. Parchure. No notice for the change of conditions of service, as required by law, was given by the Bank management to Mrs. Parchure.

4. The Union, therefore, lastly prayed that this Tribunal should hold the action of the Bank management in denying the appointment to the post of Accounting Machine Operator to Mrs. N. S. Parchure with effect from 8-10-1985 and her appointment to the post of Electronic Accounting Machine Operator with effect from 27-2-1987 as unjust, and illegal, and that this Tribunal should declare Mrs. Parchure deemed to be Accounting Machine Operator w.e.f. 8-10-1985 and entitled to the benefits from 8-10-1985 to 26-2-1987 and further deemed to be the Electronic Accounting Machine Operator w.e.f. 27-2-1987 and entitled to the necessary benefits of that post of the period from 27-2-1987 to 31-3-1987, and that Mrs. Parchure shall enjoy the seniority over Mrs. Dighe in counting seniority for the said two posts.

5. The Regional Manager of the Bank of Baroda by his written statement (Ex. 3) opposed the said claim of the Union, and in substance contended thus :

The present reference made by the Government of India is not tenable in law. The All India Bank of Baroda Employees' Union, i.e. the Union in question has no locus standi to espouse the case of Mrs. N. S. Parchure. The majority union can only espouse the cause of a workman, and not a minority union which has no membership with the Bank. The majority Union of the Bank employees is the Bank of Baroda Employees' Federation, and this Union represents about 80 per cent of the total employees, and it is also a collective bargaining agent. Assuming that the said minority union is competent to represent the said lady workman, there is nothing on record to show that the said union was authorised to espouse the cause of Mrs. N. S. Parchure and to represent her before this Tribunal. No resolution to that effect was passed in the General Body Meeting of that Union authorising the Joint Secretary of that Union to espouse the cause in question. As such no industrial dispute as contemplated under section 2(K) of the Industrial Disputes Act, 1947 exists in the present case between the Bank and its workmen.

6. According to the Bank management, the true facts of the present case are thus :—

The two branches of Pune city, namely, the Laxmi Road Branch and the Shivajinagar Branch are provided with Ascota Accounting Machine. A vacancy of the Accounting Machine Operator arose at the Laxmi Road Branch in the year 1985. The assignment of the duties of the Accounting Machine Operator was made to Mrs. J. A. Dighe, Clerk, Station Road Pune Branch, by the Regional Manager by his letter dated 12-8-1985 on the basis of the citywise seniority. In the meantime Shri. A. P. Borges, the Joint Secretary of the Bank of Baroda Employees' Association, Pune, by his letter dated 21-10-1985 represented to the Bank that considering the leave on loss of pay availed by Mrs. Dighe, she had lost her seniority by 49 days, and Shri R. D. Kulkarni would become senior to Mrs. Dighe for the purpose of assignment of the duties of the Accounting Machine Operator. The Bank verified the record of Mrs. Dighe and accepted the representation of Shri. Borges. Thereafter, the Bank management advised the Laxmi Road Branch to relieve Mrs. Dighe with instructions to join back the Station Road Branch, as she was not entitled to the assignment of the duties of the Accounting Machine Operator. In the meantime, a vacancy for the post of Accounting Machine Operator occurred at the Laxmi Road Branch and the assignment to that post was made to Shri R. D. Kulkarni, next senior-most clerk. Thereafter, the Union had raised an industrial dispute before the Asstt. Labour Commissioner (Central) Pune. Thereafter, as the conciliation proceedings ended in failure, the Central Government made the reference as above.

7. The Bank management further contended thus :

An Electronic Accounting Machine has been installed in the Branch in Pune city, and a special allowance of Rs. 350 is payable to the person concerned. This allowance is paid to those employees who are senior or otherwise qualified to work as Electronic Accounting Machine Operator. For that purpose, the Bank looked into the seniority list and found that Mrs. N. S. Parchure was eligible for the post. After considering her seniority, she was assigned the duties of the post of the Electronic Accounting Machine Operator by the Bank's letter dated 23-3-1987, and she was posted at the Karve Road Branch of the Bank. She accepted that letter without any protest. She reported for her duties on 2-4-1987 and that at present she is being paid the special allowance of Rs. 350 per month. The demand of Mrs. N. S. Parchure for appointment to the post of Accounting Machine Operator with retrospective effect is not just and proper, as a functional allowance is paid for that post and the non-performance of the duties of

the Accounting Machine Operator does not attract that allowance. Therefore, the action of the Bank management in denying the appointment to the post of Accounting Machine Operator to Mrs. Parchure w.e.f. 22-10-1985 is just and proper. She is not entitled to any relief as claimed by the Union. The Bank management, therefore, lastly prayed for the rejection of the claim of the Union.

8. The Issues framed at Ex. 4 are :—

- (1) Whether the All India Bank of Baroda Employees' Union, of which Mrs. N. S. Parchure is a member, is competent and authorised to espouse the cause on her behalf ?
- (2) Whether no industrial dispute as contemplated under section 2(k) of the Industrial Disputes Act, exists between the workman of the said Bank and the Bank management?
- (3) Whether the present reference made by the Central Government, is not tenable under law ?
- (4) Taking into consideration the circulars of the Bank and the Agreement dated 18-4-1984 between the Bank and the workmen, whether Mrs. N. S. Parchure was eligible for promotion to the post of Accounting Machine Operator in October, 1985, in preference to Mrs. J. A. Dighe ?
- (5) Whether by denying the said promotion to Mrs. Parchure on 8/22-10-1985, the Bank has contravened the provisions of Section 9A of the Industrial Disputes Act, 1947 ?
- (6) Whether Mrs. Parchure was entitled to the post of Electronic Accounting Machine Operator w.e.f. 27-2-1987 ?
- (7) Whether she is entitled to the arrears of pay of the said two posts, respectively w.e.f. 8-10-85 to 26-2-87, and from 27-2-87 to 2-4-87 ?
- (8) Whether the action of the Regional Manager Bank of Baroda, Pune in denying the allotment of Account Machine Operators' post to Mrs. N. S. Parchure, w.e.f. 22-10-85 is justified ?
- (9) If not, to what relief the workman concerned is entitled ?
- (10) What Award ?

9. My findings on the said Issues are :—

- (1) Yes.
- (2) Industrial dispute existed.
- (3) Is tenable in law.
- (4) No.
- (5) Does not survive.
- (6) No finding recorded.
- (7) Does not survive.
- (8) Yes.
- (9) Does not survive.
- (10) As per Award below :—

REASONS

10. No oral evidence was led on behalf of both the parties. Both the parties relied upon the documentary evidence only.

ISSUE Nos. 1 & 2

11. According to the Bank management, the All India Bank of Baroda Employees' Union was not competent and authorised to espouse the cause in question on behalf of Mrs. N. S. Parchure. I find that under section 2(k) of the Industrial Disputes Act, no such resolution is required to be passed as stated by the Bank, and that the dispute in question was not an individual dispute of Mrs. N. S. Parchure. Further, according to the Bank the Union in question is a minority union, and the majority union of the Bank has no objection to the allotment of the post of Accounting Machine Operator to Mrs. J. A. Dighe. However, in this connection, my attention is drawn on behalf of the Union to the case of the Tata Chemicals reported in 1978 in L.L.C. P-637 of the Supreme Court, wherein it was held thus :

"The conclusion that a minority Union can validly raise an industrial dispute gains support from Section 2(k) of the Act which does not restrict the ambit of the definition of 'industrial dispute' to a dispute between an employer and recognised majority union, but takes within the sweep any dispute or difference between employer and workmen including a minority union of workmen which is connected with the employment or terms of employment or conditions of labour of workmen."

According to the Bank management, there is nothing on record to show that the Union had passed a resolution to espouse the cause of Mrs. Parchure. However, as rightly urged on behalf of the Union, under the Industrial Disputes Act, no rule or condition has been laid down for the passing of such a resolution, nor the number of workmen supporting the Union. The only requirement is that the workmen should have interest in the dispute. Further, my attention was drawn on behalf of the Union to the case reported in 1970 LLJ-II P-256 of the Supreme Court, wherein it was held that :

"raising of dispute by an office-bearer in his capacity as office-bearer (and not in individual capacity) the conciliation officer taking cognisance of the dispute as raised by the Union, issuing of notice of proceedings in Union's name and the employer treating during the conciliation proceedings the dispute as raised by the Union, amount to valid espousal by the Union."

In the present case, the dispute in question was raised by the Union in question on behalf of Mrs. Parchure before the Asstt. Labour Commissioner. I, therefore, find that the said Union was competent to raise the industrial dispute in question and was authorised to espouse the cause on behalf of Mrs. Parchure. Issue No. 1 is therefore, found in the affirmative.

12. As laid down by the Supreme Court in the case of Western India Match Co. Ltd., reported in 1970 II L.J. P-256, "the only condition for an

individual dispute turning into an industrial dispute is the necessity of community of interest and that the test must necessarily be whether the dispute referred to adjudication is one in which the workmen or a substantial section of them have direct interest though such dispute relates to a single workman." In the present case, the workmen of the Union in question, even though a minority had the direct interest in the dispute in question and the aggrieved lady, i.e. Mrs. Parchure had the interest in the dispute. I, therefore, find that the dispute in question is an industrial dispute regarding the terms and conditions of employment of the said lady existing in the present case. Issue No. 2 is therefore found accordingly.

Issue No. 3

13. According to the Bank management, the present reference made by the Central Government is not tenable under law. However, in the present case, the Central Government was of the opinion that an industrial dispute existed between the employer in relation to the management of the Bank of Baroda and their workmen in respect of the matter specified in the schedule mentioned in the order of reference, and the Central Government made the reference as above under section 10(1)(d) of the Industrial Disputes Act, 1947. Therefore, the present reference is certainly tenable in law. The Issue No. 3 is found accordingly.

Issue No. 4

14. According to the Union, as per the circular of the Bank dated 18-4-1984, the workman Mrs. N. S. Parchure was eligible for promotion to the post of Accounting Machine Operator in October 1985 in preference to Mrs. J. A. Dighe. Admittedly Mrs. Dighe was given that post in October 1985.

15. Ex. 5 is a copy of the letter dated 27-11-1985 sent by Mrs. N. S. Parchure to the Regional Manager of the Bank, Poona. By this letter, she informed the Bank thus :

"she joined the services of the Bank on 20-10-70, while Mrs. Dighe had joined the services on 28-10-1970. Further, Mrs. Dighe had availed 49 days of leave on loss of pay and as such she had lost her seniority and the date for further increment. While she, (Mrs. Parchure) was due for her further increment on 20-10-1985, Mrs. Dighe was due for the increment on 16-11-1985, and as such Mrs. Parchure was senior to Mrs. Dighe. Therefore, Mrs. Parchure was eligible and entitled to the post of Accounting Machine Operator in preference to Mrs. Dighe, to whom that post was already assigned by the Bank."

She further requested the Bank to do justice to her in the matter. As the Bank management did not consider her request, the General Secretary of the All India Bank of Baroda Employees Union raised an industrial dispute before the Asstt. Labour Commissioner by his letter dated 21-8-1986. (Ex. 7). The Regional Manager by his letter dated 13-1-87 (Ex. 10) placed the say of the Bank in that matter before the Asstt. Labour Commissioner and in substance stated thus :

"Mrs. Dighe had joined the services in the Bank on 28-9-1970, and she was given the post of Accounting Machine Operator w.e.f. 8-10-1985. Further, she had availed of the leave on loss of pay for 49 days during the years 1971, 1977 and 1983 and this fact was not taken into consideration by the Bank management inadvertently while assigning the post of Accounting Machine Operator to Mrs. Dighe. Further, this fact was brought into the notice of the Bank management by the Joint Secretary of the Bank of Baroda Employees' Association. On verifying the record it was found that Mrs. Dighe had availed the leave of 49 days on loss of pay and as such she had lost her seniority. Shri R. D. Kulkarni was then senior to Mrs. Dighe and as such, the assignment of the post of Accounting Machine Operator was withdrawn from Mrs. Dighe and was assigned to Shri R. D. Kulkarni with effect from 1-2-1986. The Bank introduced the Electronic Accounting Machine in some of its branches in Pune, and Mrs. Parchure will be assigned the duties of an Electronic Accounting Machine Operator in one of the branches within three weeks."

As the conciliation proceedings ended in failure, the Central Government made the present reference as above.

16. The Bank has produced the seniority list of the concerned employees at Ex. 12. It will be seen from this list thus :—

Name	Designation	Date of Joining	No. of days on loss of pay leave.
Mr. R.D. Kulkarni	Clerk	17-10-1970	—
Mrs. N.S. Parchure	Clerk	20-12-1970	—
Mr. J.A. Dighe	Clerk	28-09-1980	49

It will thus be seen from the particulars of the said list that Mrs. Dighe had joined the services on 28-9-1970 i.e. earlier to Mrs. N. S. Parchure, who had joined the services on 20-12-1970. As such, Mrs. Dighe was senior to Mrs. Parchure. However, as Mrs. Dighe had availed of 49 days of leave on loss of pay, she had lost her seniority as per the Agreement dated 18-4-1984, and Mrs. Parchure came to be senior to Mrs. Dighe. Further it will be seen from the said list of seniority that Shri R. D. Kulkarni had joined the services on 17-10-1970 and as such, he was senior to both Mrs. Dighe and Mrs. Parchure. Therefore, it was Shri R. D. Kulkarni who was eligible for the post of Accounting Machine Operator in preference to Mrs. Dighe and Mrs. Parchure. As Mr. Kulkarni was senior to Mrs. Dighe as well as Mrs. Parchure, the Bank management rightly assigned the post of the Accounting Machine Operator to Mr. R. D. Kulkarni, after withdrawing it from Mrs. Dighe. Therefore, the action of the Bank management in this matter is quite just and proper, and Mrs. Parchure was not eligible and entitled to the promotion to the post of Accounting Machine Operator in October 1985, in

preference to Mrs. Dighe. Issue No. 4 is therefore found in the negative.

Issue No. 5

17. In view of the said finding on the Issue No. 4, the Issue No. 5, namely "Whether by denying the said promotion to Mrs. Parchure on 22-10-1985 the Bank has contravened the provision of the section No. 9-A of the Industrial Disputes Act, 1947", does not survive, and is found accordingly.

Issue No. 6

18. According to the Union, Mrs. N. S. Parchure was entitled to the post of the Electronic Accounting Machine Operator with effect from 27-2-1987. The Central Government have referred the dispute in question under section 10(1)(d) of the Industrial Disputes Act, 1947. As per section 10(4) of the Industrial Disputes Act, whenever the appropriate authority has specified the point of dispute for adjudication to the Tribunal, the Tribunal shall confine its adjudication to the point, and the matters incidental thereto. In the present case, the matter referred by the Central Government to this Tribunal under section 10(1)(d) of the Industrial Disputes Act is "Whether the action of the Regional Manager, Bank of Baroda Pune in denying the allotment of Accounting Machine Operator's post to Mrs. N. S. Parchure w.e.f. 22-10-1985, is just and proper?" Therefore, the question, i.e. whether Mrs. N. S. Parchure was entitled to the post of Electronic Accounting Machine Operator w.e.f. 27-2-1987, has not been referred to this Tribunal for adjudication by the Central Government. I, therefore, find that the said Issue concerning the alleged entitlement of Mrs. N. S. Parchure to the post of Electronic Accounting Machine Operator w.e.f. 27-2-1987 is not incidental to the main Issue under the reference to this Tribunal by the Central Government. I find that the issue now urged before this Tribunal regarding the entitlement of Mrs. Parchure to the post of Electronic Accounting Machine Operator w.e.f. 27-2-1987 is totally a different one and not connected with the Issue referred by the Central Government to this Tribunal. It will be seen from the conciliation proceedings that the question raised by the Union before the Asstt. Labour Commissioner was regarding the allotment to the post of Accounting Machine Operator to Mrs. N. S. Parchure w.e.f. 22-10-1985. No question regarding the alleged entitlement of Mrs. Parchure to the post of Electronic Accounting Machine Operator w.e.f. 27-2-1987 was raised by the Union before the Asstt. Labour Commissioner. Thereafter, Mrs. N. S. Parchure has claimed the post of Electronic Accounting Machine Operator w.e.f. 27-2-1987 after the conciliation officer had referred the dispute to the Central Government on 30-1-1987. Thus, the question regarding the alleged entitlement of Mrs. Parchure to the post of Electronic Accounting Machine Operator w.e.f. 27-2-1987 has not been referred to by the Central Government to this Tribunal for adjudication, and therefore, it is not incidental to the main Issue. Therefore, no finding can be and is recorded on the said Issue No. 6. Apart from that, as stated by the Bank, Mrs. Parchure has already been allotted the post of Electronic Accounting Machine Operator by their letter dated 23-3-1987.

Issue No. 7

AWARD

19. The Union has claimed the arrears of pay due to Mrs. Parchure for the post of Accounting Machine Operator w.e.f. 8-10-1985 to 26-2-1987 and thereafter, for the post of Electronic Accounting Machine Operator w.e.f. 27-2-1987 to 31-3-1987. However, in view of the findings on Issues Nos. 4 and 6 as above, the Issue No. 7 does not survive, and is found accordingly.

Issues Nos. 8 & 9

20. In the result, for the reasons stated above, the action of the Bank management is just and proper. Issue No. 8 is found in the affirmative. As such, the Issue No. 9 does not survive.

21. The following Award is, therefore, passed.

AWARD

22. The action of the Regional Manager, Bank of Baroda, Pune in denying the allotment of Accounting Machine Operator's post to Mrs. N. S. Parchure w.e.f. 22-10-1985, is just and proper.

23. The parties to bear their own costs of this reference.

P. D. APSHANKAR, Presiding Officer.

[No. L-12012/50/87-D.II(A)]

का.आ. 3217 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सैन्ट्रल बैंक आफ इण्डिया के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, गोहाटी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-11-91 को प्राप्त हुआ था।

S.O.3217.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Guwahati as shown in the Annexure in the Industrial dispute between the employers in relation to the mgt. of Central Bank of India and their workmen, which was received by the Central Government on the 11-11-91.

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL; GUWAHATI;
ASSAM

Reference No. 9(C) of 1990.

PRESENT :

Shri D. N. Hazarika,
Presiding Officer,
Industrial Tribunal,
Guwahati.

In the matter of an Industrial Dispute

BETWEEN

Management of Central Bank of India, Guwahati
AND

Their workman—Shri A. K. Das, Represented
by North Eastern Region Central Bank Em-
ployees Union, Regional Office, Silpu-
khuri, Guwahati.

This Reference arising out of the Central Government Notification No. 1-12012/258/90-IR. B. (II) dated 6-12-90 relates to the dispute indicated in the Schedule below :—

"Whether the action of the management of Central Bank of India in depriving Sh. A. K. Das, Stenographer from promotion to steno officer by changing his seniority from specialise cadre to mainstream and also by not declaring the result of the promotional test already held is justified ?

If not to what relief the workman is entitled?"

On receipt of notice both the parties appeared and filed their written statement before the Tribunal. In course of hearing management examined one witness. Union also examined two witnesses.

Management's case inter alia is that workman A. K. Das joined the Bank on 7-6-74 as a typist. Later on he was asked to do the work of telex operator for which he was paid prescribed allowance. In the Divisional Office of the bank a post of stenographer was created. A. K. Das who has requisite qualifications was appointed as stenographer in the year '78, and since then A. K. Das is serving as steno-typist cum clerk.

Management entered into an agreement with the majority employees union in the year 1984. As per said agreement employees who were typist, steno-typists, telex operators were designated as clerk-cum-typist, clerk-cum-steno typist etc. As per policy they would be included in the common seniority list thereby making then eligible for promotion for officer cadre. A. K. Das was accordingly enlisted in the main stream cadre. Therefore A. K. Das is not eligible for promotion in specialised cadre. Bank management opened one Zonal Office at Guwahati. In the said office a post of steno officer was created. As per appointment policy Head Office of the bank, called for application from candidates of the area. Regional Office allowed A. K. Das to appear for steno officer test. A. K. Das appeared but head office with-held the test result as A. K. Das is not eligible for promotion because he was debarred for any promotion to the officer cadre in view of his not having appeared in earlier test for promotion to the officer cadre.

Workman's case is that, he was appointed as typist in the year 1974. In the year 1978 he requested the management in writing to convert his services to the mainstream, so that he may become eligible for promotion to the officer cadre. Management declined to convert Das to the main stream cadre. In the year 1976 telex machine was installed in the divisional office of the bank. A. K. Das worked as telex operator in addition to his duties.

Later on a post for stenographer was created in the divisional office. A. K. Das who has requisite qualification applied for appointment as steno. Management after considering the said application appointed A. K. Das as stenographer in the divisional office on 29-11-78. On being appointed as stenographer Das remained in the specialised cadre. In the year 1984 management asked for his option as to whether he would like to continue in the specialised cadre or to

go to the mainstream cadre. Das informed management in writing of his intention to continue in the specialised cadre. Management erroneously in the year 1985 called Das to appear in test for promotion in the mainstream. Das did not appear as he is an employee of the specialised cadre only.

Management has established its Zonal Office at Guwahati in the year 1989. In the zonal office a post of steno officer was also created. A. K. Das applied through proper channel for the said post.

Management after consideration of the said application called Das for promotion test. A. K. Das appeared in the test and was informed by Zonal Office that he has been selected for the post of steno officer.

Head Office of the bank withheld the result of the test. Later regional office informed Das that his claim for promotion to the post of steno officer could not be accepted since he had been already brought to the mainstream cadre. According to workman Das, management has adopted unfair labour practice in not appointing him as steno officer though he came out successful in the promotion test.

In support of their respective cases, management examined one witness and exhibited some documents. Workman examined 2 witnesses including himself and exhibited some documents.

Learned counsel for management contended that as per bipartite agreement (Ex. 5) between All India Central Bank Employees Federation and the Bank management, all employees working as stenographers on completion of 6 years of service will be required to exercise an irrevocable option to have their names included in a separate seniority list exclusively for the purpose of promotion to the post of steno officer. According to him A. K. Das though served as stenographer his name was not included in the specialised cadre for promotion to the post of steno officer. His name was included in the seniority list of mainstream cadre. Learned counsel pointed out clause 3.1 to 3.3 of Exhibit 5 (memorandum of agreement). According to him, these 3 clauses read together debar A. K. Das from inclusion of his name in specialised cadre list. Which is meant for the purpose of promotion to the post of steno officers. As per clause 3.1 stenographers on completion of 6 years of service must give irrevocable option to have his name included in a separate seniority list meant exclusively for promotion to the post of steno officers. As per clause 3.3 all stenographers on completion of 6 years of service must exercise option within 2 months from the date of completion of 6 years of service failing which their names will be included in the common seniority list for promotion under state service. From the above two clauses it is clear every stenographer must give option in writing requesting management to include his name in the separate seniority list exclusively for the purpose of promotion to the post of steno officers.

According to management's counsel, A. K. Das did not opt for inclusion of his name in specialised cadre list. Further A. K. Das failed to appear twice for promotion test in the mainstream cadre post. Management as per tripartite agreement put the name of A. K. Das in the mainstream seniority list. He further 3247 GI/91-13

contended that for non inclusion of the name of A.K. Das in separate seniority List meant exclusively for the purpose of promotion to steno officers, therefore bank management debarred Sri Das from promotion to the post of steno officer.

Learned counsel for the workman argued that A.K. Das was appointed as stenographer by bank management in the year 1978. In the year 1984 management asked for option from A. K. Das about his willingness to continue in the special cadre or would like to go to the mainstream cadre. Sri Das informed management by his letter dated 30-4-84 (Ex. 'Kha') in writing about his intention to continue in the specialised cadre. According to learned counsel for workman this specialised cadre is meant for the purpose of promotion to the post of steno officers only. Further according to learned counsel A. K. Das informed the management about his intention to continue in the specialised cadre by another letter Exhibit 'Ga'. Management in their written statement denied receipt of Ex. 'Kha' and issue of option letter to A. K. Das. Workman in his evidence stated that management called for his option and by his letter Exhibit 'Kha' he opted to remain in specialised cadre. According to him, after receipt of his option letter management prepared a seniority list of all employees of Guwahati region of the bank. Exhibit 'Gha' is that list. In this list his name appeared in specialist cadre as on 1-1-88. This Ex. 'Gha' is a clear proof that A.K. Das stenographer's name was included in the seniority list of specialised cadre by management. This Ex. 'Gha' further proved that management accepted the option letter of A. K. Das and put him in specialised cadre list long back in the year 1984, i.e. on completion of 6 years service as stenographer. According to management, A. K. Das refused to appear for promotion test twice, as such he is debarred from promotion to officers cadre.

But from the record I find these promotion test were for mainstream cadre employee only. An employee who has already opted for specialised cadre post and promotion to higher post in that cadre, has rightly refused to appear in test meant for other stream cadre category post. An employee who is serving in specialised cadre post and opted for promotion in specialised cadre post only, cannot be debarred from promotion when such opportunity arises. Management's decision to debar A. K. Das from promotion only on the ground that he refused to appear in mainstream promotion test for 2 years cannot be a valid ground.

In the instant case A.K. Das refused promotion in the mainstream twice, which proves that his option is an irrevocable one and exclusively meant for the purpose of promotion to the specialist cadre. Contention of the management that as A. K. Das is not willing to take the responsibility of an officer, which is evident from his refusal to appear in promotion test in the mainstream for which he was twice called upon to do so does not hold good.

Management admitted that A. K. Das applied for test for the post of steno officer and management after full consideration keeping in view bipartite agreement allowed A. K. Das to appear in the promotion test for the post of steno officer. Vide Exhibit 'Gha'. According to workman's evidence he

appeared in the said test and he came to know that he came out successful in the said test. But management refused to appoint him as steno officer and declare results of the test. In the letter written by Regional Officer to Zonal Office dated 1-11-88, A. K. Das was shown in the seniority list of special cadre with effect from 1-3-79. So question of informing management after completion of 6 years of service as envisaged in clause 3.3 of Exhibit 5. Which came into effect on 12-3-90 is not applicable in this case. A. K. Das already opted to specialised cadre on completion of 6 years service and management accepted the same and shown A. K. Das in the specialised cadre in the year 1988. According to management inclusion of the name of A. K. Das in specialised list in the year 1-1-88 was an inadvertent mistake on their part and for this mistake workman is not entitle to any promotion. But as discussed above I find it was not an inadvertent mistake on the the part of management. I find management had full knowledge about the option of the workman and his subsequent action of not appearing in promotion test for mainstream promotion post clearly establish intention of A. K. Das to remain in specialised cadre only. Seniority list Ex. 'Gha' prepared by management themselves is a bar and has been estopped from taking action as per clause 3.3 of bipartite agreement Exhibit 5. According to workman's witness result of promotion test has not been declared even after expiry of resonable time. According to management witness N. G. Chakraborty result of state service test is communicated on the same day of examination. In case of Central Service, results are given within six months from the date of holding such test. In the instant case, results of the test is with held by management even after expiry of reasonable time i.e. six months. According to workman, he was the only candidate for the said test and he successfully passed in the said test. He further stated that management withheld the result in order to deprive him from his legitimate due. Management alleges that A.K. Das has no right to be promoted to the post of steno officer as he was an employee of mainstream cadre. It appears management allowed Das to appear in the test after considering his qualification and all other matters concerning eligibility of this employee. Hence management cannot now question eligibility of A. K. Das to be promoted to the post of steno officer. Therefore I find management was not justified in not declaring the result of the promotional test for the post of steno officer.

Learned counsel for the management argued that management (Central Bank of India) and All India Central Bank Employees Federation entered into an agreement regarding promotion policy of the Bank employees and signed memorandum of settlement Exhibit 2. As per clause 14 of the said settlement (Ex. 2) designations of all existing steno has been changed and redesignated as steno-typist-cum-clerk. On completion of 30 months of waiting period they shall be included in common seniority list and eligible for promotion to officer cadre in terms of the rules of promotion policy. According to him, as per this policy, A. K. Das has been redesignated as steno-typist-cum-clerk and his name has been included in the mainstream seniority list. Exhibit 'Gha' seniority list prepared on 1-1-88 by Guwahati regional officer shows A. K. Das was included in the specialised cadre. Man-

agement failed to show why his name was not shown in the mainstream cadre i.e. common seniority list on 1-1-88. This list was prepared long after Exhibit 2 memorandum of settlement was signed by the parties. It appears management slept over the whole matter for long 8 years and allowed A. K. Das to remain in the specialised cadre and wokeup when A. K. Das was to be promoted to the post of steno officer. Regional Manager informed General Secretary Central Bank Employees Association by his letter dated 3-10-88 that A. K. Das is treated as specialised category employee. So even on 3-10-88 A. K. Das was treated as specialised cadre employee. Instead of declaring results of promotion test (steno officer's test) management changed the cadre of A. K. Das from specialised cadre to mainstream cadre and declared that A. K. Das is not eligible for promotion to the post of steno officer. I find management has put the name of A. K. Das in the common seniority test (mainstream list) just to deprive A. K. Das from his legitimate promotion to the post of Steno Officer. Therefore I find management was wrong in changing the cadre of A. K. Das from specialised cadre to mainstream cadre.

In view of my above discussion and finding I am of opinion that A. K. Das is entitle to remain in specialised cadre for which he irrevocably opted. A. K. Das appeared in the promotion test for the post of steno officer of zonal office Guwahati, and he being the only candidate for that post he is entitle to appointment as steno officer if he has successfully passed the test. Management to declare the result of the test immediately without further delay.

I give this AWARD on this 31st day of October, 1991 at Guwahati under my hand and seal.

D. N. HAZARIKA, Presiding Officer

[No. L-12012/258/90-IR(B)-II]

का.ग्रा. 3218 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया बैंक के प्रबन्धतंत्र के संलग्न नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-12-91 को प्राप्त हुआ था।

S.O. 3218.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial dispute between the employers in relation to the mgt. of Vijaya Bank and their workmen, which was received by the Central Government on the 2-12-91.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, BANGALORE

Dated this the 30th day of October, 1991

PRESENT :

Shri M. B. Vishwanath, B.Sc. LL.B.—Presiding Officer.

CENTRAL REFERENCE NO. 47 OF 1988

I Party :

Shri Jahangir,
s/o Lalsab Nadaf,
C/o Shri V. G. Kulkarni,
Advocate,
Chandabawadi Road,
Bijapur-586 101.
(By Shri V. G. Kulkarni,
Advocate).

II Party :

1. The Chairman,
Vijaya Bank,
Janardhan Tower,
Bangalore.
2. Divisional Manager,
Vijaya Bank,
Abhishek Building,
Tilakwadi,
Belgaum.
(By Shri K. M. Nagathan,
Advocate).

AWARD

In this reference No. I-12012/187/88.D.II(A) dated 13-9-1988 made by the Hon'ble Central Government in exercise of the powers conferred by clause (d) of sub-Section (1) and Sub-Section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the point for adjudication as per Schedule to reference is :—

“Whether the action of the management of Vijay Bank in termination the services of Shri Jahangir who had been sponsored through Employment Exchange and again calling the candidates from the Employment Exchange and filling up the vacancy by appointing Shri Irkal is justified? If not, to what relief is the workman entitled?”

2. In the claim statement it is contended by the I Party :—

The Claimant was appointed as Peon at Ballolli Branch Office of Vijaya Bank, through Employment Exchange to a clear vacancy on temporary basis with effect from 22-7-1982 till 16-7-1983 for a period of 180 days. The services of the I Party were illegally terminated on 16-7-83. Since the clear vacancy continued to exist, one Irkal, a person of the choice of the members of the II Party who had put in only 15 days of service was appointed. The II Party has refused to reinstate the I Party. During the tenure of the services of the I Party, he has been paid full salary and bonus. The order of termination is in violation of mandatory provisions of Section 25G and H of the I.D. Act. The II Party has practised unfair labour practice in violation of the bipartite settlement. The termination of the services of the I Party amounts to retrenchment within the meaning of Section 2(oo) of the I.D. Act.

3. The I Party has prayed for declaration that the order of termination dated 16-7-83 (exhibit M-4) is illegal. The I Party has prayed for reinstatement with backwages and continuity of service.

4. In the claim statement three members are shown as constituting the II Party. The counter statement (described as written statement has been rightly filed by the II Party who was Chairman of the Vijaya Bank). It is true that the I Party was appointed as Peon. But the I Party has not worked continuously from 22-7-82 to 16-7-83. The I Party was engaged for a specific period temporarily. He ceased to be in service of the Bank on 16-7-83. The post was filled up by Irkal, a Scheduled Caste candidate who was sponsored by the employment exchange to fill in the post. Irkal was selected by the Bank after due process. Mr. Irkal had earlier worked in the Ballolli branch of the II Party Bank for a total period of 64 days from 16-11-1981 to 19-12-1981 (34 days) and again from 18-1-1982 to 17-2-1982 (30 days). Under the circumstances, Mr. Irkal is senior to Mr. Jahangir.

5. The termination of the services of the I Party is proper and legal. The I Party has not worked against any permanent vacancy as a peon. There was no permanent vacancy in which claimant-I Party could be absorbed. The I Party did not work continuously against the permanent vacancy. The permanent vacancy if any, could be filled up only according to the law by notifying the vacancies to the employment exchange. On the basis of a temporary appointment, a person has no right for permanent absorption. The I Party was appointed temporarily. The appointment of I Party on temporary basis has come to an end by efflux of time. No separate notice of termination was necessary in view of the clear terms of the appointment order. The I Party has not worked continuously for a period of 180 days. The provisions of Section 25-F and H are not applicable. The provisions of Section 2(oo) of I.D. Act are also not applicable. The termination of the services of the I Party does not amount retrenchment. The I Party was not entitled to regular employment in the Bank. The I Party has not prosecuted his case for a period of 4 years. Since Mr. Irkal was senior most among the temporary sub-staff engaged by the Bank at its Ballolli branch it was in order for the Bank to absorb him as a permanent sub-staff at the said branch as he fulfilled all eligibility criteria and he was selected by the Bank after due process of selection. The I Party is not entitled to any relief. The reference is bad in law.

6. As could be seen from the order sheet my learned predecessor has not framed any separate issue because the point for determination is covered by schedule to reference.

7. On behalf of the II Party two witnesses MW-1 and MW-2 have been examined. MW-1 is the Manager of Vijaya Bank at Bijapur. MW-2 is Madhav who is a Branch Manager. On behalf of the I Party he has got himself examined and closed his case. On behalf of the II Party Exhibit M-1 to M-11 have been marked. On behalf of the I Party Exhibit W-1 to W-9 have been marked.

8. The case of the II Party management is that for a purely temporary vacancy of a peon, they called for candidates from the Employment Exchange and the I Party who was sponsored by Employment Exchange was appointed for a post of Peon purely on temporary basis for a temporary vacancy. It is admitted by the I Party that his name was sponsored by the Employment Exchange. Exhibit M-7 and M-8 are the letters written by the Manager of the II Party Branch to the District Employment Officer, Employment Exchange, Bijapur. From these two letters it is abundantly clear that the II Party has informed the employment officer that they had selected the I Party for the post of temporary peon. They have made it clear in Exhibit M-8 that the vacancy was temporary and the appointment was only for 30 days. Exhibit M-7 and M-8 read conjointly show that the I Party was appointed as a peon for 30 days temporarily for a temporary vacancy.

9. Exhibit M-1 to M-8 are the appointment letters issued to the I Party on various dates. All these have been signed by the I Party showing that the I Party had 'accepted' the conditions of service. Exhibit M-1 shows that I Party was accepted as a temporary peon for a temporary vacancy from 22-7-1982 to 20-8-1982. Exhibit M-2 shows that that he was appointed purely on temporary basis for a temporary vacancy from 23-8-1982 to 21-9-1982. Exhibit M-3 similarly shows that I Party was appointed as a Peon for the period from 5-11-1982 to 4-12-1982. Exhibit M-4 shows that the appointment was made for the period from 17-6-83 to 16-7-1983. Exhibit M-5 shows that the I Party was appointed for the period from 17-5-83 to 15-6-83. Exhibit M-6 shows that the appointment was made for the period from 16-4-83 to 15-5-83. All these letters of appointment shows that the appointment of I Party was made for the post of temporary peon on a temporary basis. The case of the I Party is that he was appointed on temporary basis as against a permanent vacancy. But, there is absolutely no material on record to show that at the time the I Party was appointed, he was appointed to a peon as against a permanent vacancy. Since the I Party was appointed on a purely temporary basis to a temporary vacancy, there is no force in the argument that the services of the I Party should have been terminated after giving him a notice.

10. Exhibit M-10 and M-11 are the certificates issued by the Branch Manager. As per Exhibit M-10 and M-11 the I Party has worked as follows :-

Period	days
16-4-83 to 15-5-83	30
17-5-83 to 15-6-83	30
17-6-83 to 16-7-83	30
22-7-82 to 20-8-82	30
23-8-82 to 21-9-82	30
05-11-82 to 04-12-82	30

From Exhibit M-10 and M-11 what emerges is that the I Party has worked for 180 days, but not continuously. From the letters of appointment and Exhibit M-10 and M-11 it is not possible to accept the argument. On behalf of the I Party that the I Party has worked for more than 90 days or 180 days continuously.

11. It is argued that one Irkal has been subsequently appointed. It is clear from the evidence of Manager MW-1 that is a Scheduled Caste man and he has been appointed as Peon a permanent vacancy. Since Irkal, being Scheduled Caste man, has been appointed to a permanent vacancy after calling for candidates from Employment Exchange, it is not open to the present I Party to indirectly challenge his appointment. To repeat, the I party was appointed to a temporary vacancy on purely temporary basis for definite periods. He has not worked continuously for 90 days or 180 days or 240 days. So there is no question of termination of the services of the I Party amounting retrenchment. It cannot be said that the II Party has practised unfair labour practice. Since the vacancy was purely temporary, I Party was allowed to work only on a temporary basis for temporary period.

12. The learned Counsel for the I Party relied on IBPS dt. 19-10-66 Clause 20.8 : I have carefully read this provision in the I Bipartite Settlement. This provision contemplates absorption of a temporary workman if is appointed as against a permanent vacancy and if he has worked continuously for period of three months. In the instant case, the I Party was appointed neither to a permanent vacancy nor has he worked continuously for a period of three months. So, the argument fails.

13. The learned counsel for the I Party has produced before me a xerox copy of the award passed by the Industrial Tribunal, Kanpur. This xerox copy is made out on report made in some paper. It wont be proper for this Tribunal to act on this xerox copy. It is true tht a workman who had worked temporarily for 75 days was ordered to be reinstated. In the first place this ruling is not binding on me. In the second place, there is no knowing whether this award passed by the Industrial Tribunal was confirmed by the High Court.

14. The I Party was appointed on a purely temporary basis to a temporary vacancy. The reinstatement cannot be ordered.

15. Anyway, on the facts and in the circumstances of the case, taking into consideration that the I Party has been allowed to work, though, purely on a temporary basis, on six occasions some compensation should be awarded in the interest of justice. I fix the compensation at Rs. 4,000 (four thousand) with 9 per cent interest from the date of award till its paid to the I Party.

16. All other documents and evidence not referred to by me are not relevant. In any case they do not alter my conclusions reached above.

AWARD

The reference in so far as reinstatement and back-wages is concerned is rejected. The II Party shall pay a compensation of Rs. 4,000 (Rupees four thousand) to I Party with 9 per cent interest on this amount from the date of award till its paid to I Party. The reference accepted in part as stated herein.

Dictated to the Secretary, taken down by him, got typed and corrected by me.

M. B. VISHWANATH, Presiding Officer
[No. L-12012|187|88-DII(A)]

का.आ. 3219 : —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आन्ध्रा बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-11-91 को प्राप्त हुआ था।

S.O. 3219.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Madras as shown in the Annexure in the Industrial dispute between the employers in relation to the Management of Andhra Bank and their workmen, which was received by the Central Government on the 29-11-91.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Thursday, the 25th day of July, 1991

PRESENT :

Thiru M. Gopalaswamy, B.Sc., B.L., Industrial Tribunal.

INDUSTRIAL DISPUTES NO. 55 OF 1988

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Andhra Bank, Madras and Hyderabad).

BETWEEN

The workmen represented by The General Secretary, Andhra Bank Employees Union, 168, Linghi Chetty Street, Madras-600 001.

AND

1. The Assistant General Manager, Andhra Bank, Zonal Office, No. 265, T.T.K. Salai, Madras-600 018.
2. The Chairman, Andhra Bank, Central Office, Sultan Bazar, Hyderabad.

Reference : Order No. L-12011|126|87-D.II(A), 10-8-88, Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Friday, the 26th day of April, 1991 upon perusing the reference claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru V. Vasudevan, Authorised Representative for the workmen and of Thiruvalareal N. Subbappaiah and B. Ravi Kumar, Authorised Represen-

tatives for Management No. 1 and Thiru C.P.S. Ramacharyulu, Authorised Representative for Management No. 2, and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

This dispute between the workmen and the Management of Andhra Bank arises out of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in its Order No. L-12011|126|87-D.II(A), dated 10-8-1988 of the Ministry of Labour, for adjudication of the following issue :

"Whether the action of the management of Andhra Bank in denying designation of Head Cashier-Category 'C' as per Bi-parite Settlement dated 19-10-1966 and payment of corresponding Special Allowance @ Rs. 171/- with effect from 1-10-1979 and @ Rs. 275/- with effect from 1-7-83 in terms of Bi-parite Settlement dated 31-10-79 and 17-9-1984 to its employees designated as Cashier/Shroff employed in 29 branches in the State of Tamil Nadu is justified ? If not, to what relief are the concerned workmen entitled to ?"

2. The allegations in the claim statement are as follows : The claim of the Petitioner-Union is that cashiers in charge of cash who are otherwise called joint custodian cashiers working in 29 branches of the Respondent-Bank within Tamil Nadu and Pondicherry should be correctly designated as Head Cashier-Category-C and that the special allowance due under the settlement payable to Head Cashier-Category C be also paid to them. Cashiers in charge of Cash department are now being designated by respondent as Cashier/Shroff. They are responsible for running the cash department, holding the cash and valuables in safe custody jointly with an officer of the Branch. Deposit receipts or credit vouchers according to current procedure have to be signed by one officer and then countersigned by cashier or another officer of the Branch. They cannot be issued to the depositors without affixing counter-signatures. In addition to the normal duties of cashiers, counter signing of deposit receipts which is one of the duties of Head Cashier-Category-C is also performed by the cashiers in 29 branches of the respondent in Tamil Nadu. Cashiers or Cashier workman cannot refuse to countersign the deposit receipts without inviting disciplinary proceedings since such counter signing is a duty imposed on them by the manual of Instructions. On the basis of the specific duties enumerated in item No. (xvi) of Part I of Appendix 'B' of the Bipartite Settlement of 1966, all the cashiers covered by this Industrial Dispute must be designated as Head Cashier-Category-C and not cashiers or joint custodian cashiers. The fact that they perform the duty of countersigning deposit receipts for several years and as a matter of course makes them entitled to be designated as Head Cashier-Category-C and draw special allowance intended for the latter in keeping with the provisions of the Bipartite Settlement of 1966 and also subsequent settlements.

3. As provided under para 6.19 and 6.21 of Manual of Instructions the Respondent is extracting the work or counter signing deposit receipts from these cashiers without paying the special allowance due to Head Cashier-Category-C. This practice is followed for several decade in all the branches in Tamil Nadu and Pondicherry. Counter signing of deposit receipts is really an additional and special duty outside of the normal duties of a cashier. The undertaking given by the Bank to the depositors for repayment of amount with interest is expressed through the first signature and also the counter signature affixed on the deposit receipts. The depositor is entitled to hold responsible, the cashier who counter signed for any loss in realisation of the deposit money. Special Allowance is payable in respect of duty requiring greater skill and responsibility as provided in Appendix 'B' of the Bipartite Settlement of 1966. Putting a counter signature is a function involving greater skill or responsibility and hence the cashiers on account of their counter signing should be treated as Head Cashiers-Category-C with a right to draw the special allowance. The Respondent should have allocated and defined the duties of cashier which in practice includes the duty of counter signing and such allocation should have been made with effect from 19-1-1967 as laid down in clause 22.2 of the Bipartite Settlement of 1966. The Respondent's omission to allocate the duties in writing and classify the cashiers as Head Cashiers-Category-C and pay them the special allowance is in violation of the provisions including clause 5.12 of the Bipartite Settlement. Failure of the Respondent to give the correct designation of Head Cashier-Category-C is violative of clause 5.12 of the Bipartite Settlement. In the Bank of Baroda Limited, Cashier-Clerks of all the Branches are designated as Head Cashier-Category C and given the corresponding special allowance of Rs. 275/- as a result of the award of National Industrial Tribunal (Bank Disputes). The cashiers represented by the Petitioner-Union are likewise entitled to be classified as Head-Cashier-Category-C. The cashiers have suffered breach of their right to be correctly classified and draw the special allowance from 1967 onwards. Throughout decades, these cashiers have been countersigning deposit receipts as enjoined by Manual of Instructions. Petitioner claims that all the cashiers should be paid the arrears of special allowance hitherto unpaid from 19-1-1967 onwards at the rates specified in para (18) of the claim statement. It is prayed that an award may be passed directing the Respondent-Bank (i) to redesignate the cashier workmen of the 29 branches in Tamil Nadu and Pondicherry as 'Head Cashier Category-C' with effect from 19th January, 1967 and (ii) to pay the petitioner-workmen arrears of special allowance with effect from 19-1-1967 being the amount of difference between the special allowance of Head Cashier-Category-C as provided in various Bipartite Settlements cited supra and the amount already paid, with all the attendant benefits and order payment of costs.

4. The first Respondent in its counter statement states as follows :

There are 29 branches of the Respondent-Bank in Tamil Nadu and Pondicherry. The employees in charge of cash department in all these branches are not designated as cashier/shroff. The Respondent re-

cruits in the initial stage clerk-cum-cashiers and clerk-cum-typists. Posts of joint custodian cashier are filled up by promoting clerk-cum-cashiers by a process of selection. Only when a clerk is posted and designated as joint custodian cashier he will be paid special allowance due under the Bipartite Settlement. Joint Custodian Cashiers whose rights are being agitated by the Petitioner-Union in this industrial dispute are doing the functions of cashier and also of a clerk. The Petitioner-Union being a majority union has entered into a settlement dated 19-3-1981 with the Respondent in the matter of criteria for entrusting special allowance duties. The Petitioner-Union cannot claim more benefits than what are permitted under the settlement above cited. Only officers who are given power of attorney by the Respondent are entitled to sign various documents including Deposit Receipts and these documents are again countersigned by another officer who also holds a power of attorney. Cashiers or Joint Custodian Cashiers do not have the power to discharge special duties which include signing and counter signing. Even assuming that cashiers have been signing instead of second officers, such counter signing does not make the cashiers liable to the depositors for any loss in the absence of a power to counter sign granted by the Respondent. Posting of an employee as Head Cashier Category-A or C is given in writing on the option of the said employee. When more than one employee-clerk opts for special allowance duties only the senior most among them will be posted in the post carrying special allowance. It is not open to any cashier-clerk to perform the duties carrying special allowance voluntarily unless it is ordered in writing to discharge those duties in the light of clause 5.11 of the Bipartite Settlement of 1966. Clerk-cum-cashiers get appointed as Joint Custodian Cashiers and only in the latter capacity they are recognised as Head Cashier Category-A entitled to special allowance payable to that category. In any view, Joint Custodian Cashiers cannot be equated with Head Cashier-Category-C in terms of Appendix 'B' of Bipartite Settlement. Joint Custodian Cashiers mentioned in the claim petition have been occasionally signing deposit receipts in the absence of a second officer, but they cannot sign and have not signed any other document. They are not performing all the duties belonging to Head Cashiers Category-C.

5. Mere counter signing of deposit receipts cannot confer on Joint Custodian Cashiers the status of Head Cashier-Category-C. In the printed fixed deposit receipts the words "Shroff/Officer" have been printed erroneously and unnecessarily. Joint Custodian Cashiers are only performing the duties of Head Cashier Category 'A' and hence they are paid special allowance due to category 'A'. Nomenclatures of posts are not uniform in all the Banks. Para 6.19 and 6.21 of the Manual of Instructions only say that deposit receipts have to be signed by two officers, one primary signature and the other counter signature. Joint Custodian Cashiers have no duty to sign the deposit receipts whenever the second officer is present and available. For merely counter signing on a few occasions, in a casual manner, Joint Custodian Cashiers cannot claim to be Head Cashiers-Category 'A'. The only nomenclature that will be appropriate to Joint Custodian Cashiers mentioned in the claim petition will be Head Cashier Category 'A' and not Category 'C'. The

Respondent-Bank is not extracting the work of affixing counter signature from Joint Custodian Cashiers by any sort of compulsion. Considering the nature of duties performed by the Joint Custodian Cashiers they cannot be called as Head Cashier-Category 'C'. In order to be entitled to special allowance attached to special allowance duties, all such duties should be performed in a normal way as a routine. The Respondent has not violated any vested right of the Joint Custodian Cashiers and committed any illegality in extracting work. The claim is misconceived and liable to be dismissed.

5A. The second Respondent has filed a counter statement reiterating the contentions of the first Respondent.

6. The Petitioner-Union in its rejoinder states as follows : All the allegations in the counter are factually wrong and legally invalid. Even prior 19-10-1966, the date of First Bipartite Settlement, the cashier-workmen have been assigned the duty of counter signing deposit receipts. The Respondent has not modified and changed the said duty by way of re-allocation. Since the said duty has not been withdrawn from cashiers within the time limit, they are entitled to be classified as Head Cashier-Category-'C'. Counter signing deposit receipts cannot be termed as casual or occasional job. It is sufficient to deserve the said designation by just counter signing the deposit receipts without doing any other duty attached to the post of category 'C'.

7. The first respondent in its additional counter (against the rejoinder) states as follows : The Respondent has assigned the duty of counter signing the deposit receipts to the cashiers from prior to 19-10-1966. Cashiers who are under the control of the officers of the branches cannot act independently and they cannot act as authorised representatives of the Bank as against customers, in the absence of a proper authorisation given by the Bank or an order issued by the Branch Officer-Manager. Without performing all the duties enlisted as the duties of Head Cashier-Category-C, joint custodian cashiers cannot claim to have the status of Head Cashier-Category-C.

8. The points that arise for consideration in this Industrial Dispute are :

- (1) Whether the cashier/Shroff workmen working in 29 branches in Tamil Nadu and Pondicherry are entitled to be designated as Head-Cashier—Category-C in terms of First Bipartite Settlement dated 19-10-1966 and on that ground are entitled to the special allowance payable to Head Cashier-Category-C from the respective dates at the respective rates;
- (2) Whether the Cashier-workmen in the 29 branches by means of counter signing deposit receipts only without a written authorisation and without performing any other duty of Head Cashier—Category-C are entitled to be classified as Head Cashier-Category-C ? and

(3) To what relief ?

9. Thiru D. Sivaswamy who is cashier in the branch of the Respondent-Bank at Mowbrays Road, Madras-14 has given evidence as W.W.1. Thiru C. N. Ramaseshan who is Sub-Manager of the Branch at Mount Road, Madras-2 has been given evidence as M.W.1 Exs.W-1 to W-15 and M-1 to M-94 have been marked.

10. The evidence discloses that cashiers in charge of cash department who are otherwise called Joint Custodian Cashiers are working in all the 29 Branches of Andhra Bank situated at Tamil Nadu and Pondicherry. Besides the work of cashier, these 29 employees are also performing duties of clerk because they are basically Clerk-cum-Cashiers. Admittedly, one among the Clerk-cum-Cashiers is chosen as Joint Custodian Cashier. Whether one is a Clerk-cum-Cashier or Joint Custodian Cashier he is under direct control of the Chief Officer (i.e.) First Officer or Manager of the Branch. These Custodian Cashiers with whose claim this industrial dispute is concerned, have been paid special allowance of Rs. 164/- per month on the basis that they are Head Cashier-Category 'A'. Not content with such a treatment, they claim that they must be designated as Head Cashiers-Category-C and be paid Rs. 275 per month from 1-7-1983 and Rs. 171 from an earlier dated 1-10-1979 as the amount of special allowance applicable to Head Cashier-Category-C. In the First Bipartite Settlement dated 19-10-1966 Chapter V Part I deals with Special Allowance. The duties which carry special allowance are enumerated in Appendix B Part-I. Therein we are mainly concerned with Item No. (xiii) Cashier in charge of cash; Item No. (xiv) Head Cashier-Category 'A' and Item No. (xvi) Head Cashier-category 'C'. The duties specified under each post in this Appendix-B contain what are called special duties which when performed by the concerned employees entitle them to what is called special allowance. Under the caption of Head Cashiers-Category 'C', their special duties include counter signing cheques, drafts, pay orders, deposit receipts and other instruments. This counter signing duty does not find a place under item (xiii) or (xiv) dealing with Cashier in charge of cash and Head Cashiers-Category 'A'. Over and above Head Cashier-Category 'C' in every branch, there is No. 1 Officer and also No. 2 Officer. Cashier in charge of cash (i.e.) Joint Custodian Cashier is liable to discharge his duties with regard to joint custody of cash and valuables. In as much as Cashiers in charge of cash or Joint Custodian Cashiers in all these branches are having joint responsibility with the officer in the matter of holding cash, keys and valuables, they are paid the special allowance attached to the post of Head Cashier-Category 'A'. Their normal duties cover the entire matters requiring joint custody and hence Joint Custodian Cashiers are virtually treated by the Respondent as Head Cashier-Category 'A'. In consideration of such joint custody which the Cashier in charge of cash is to maintain the Cashier is allowed to draw the special allowance pertaining to Head Cashier-Category 'A'. But this special allowance is something lesser than the special allowance which they could get if they are designated as Head-Cashier-

Category 'C'. Therefore with a view to receiving the higher amount of special allowance attached to the post of Head Cashier-Category 'C' the 29 Cashiers in charge of cash are agitating in this industrial dispute that they must be treated as Head Cashiers-Category 'C' on the sole ground that they are discharging the duty of counter signing deposit receipts though not counter signing other instruments such as cheques and drafts. The Respondent vehemently disputes the claim of the 29 Joint Custodian Cashiers that they must be equated with Head Cashiers-Category 'C' and given the corresponding special allowance.

11. In the Bipartite Settlement of 1966, Chapter V Para 5.6 lays down that an employee who performs additional duties and functions requiring greater skill or responsibility, over and above the routine duties of his post namely the routine duties of a workman in the same cadre, will be paid special allowance as a compensation for the additional duties. We have already seen that special allowance duties are enumerated in Appendix-B. Para 5.8 in Chapter V specified that whatever be the designation of the workman he will get special allowance by doing the additional duties eligible for special allowance. Ex. W-5 which is an extract of para 6.19 and 6.21 provide how a fixed deposit receipt is filled up, made and signed. Para 6.19 tells that a fixed deposit receipt after being signed by the concerned officer (i.e.) Principal Officer it has to be counter signed by another officer otherwise called Second Officer or by cashier of the office, in case there is no Second Officer available. Thus counter signature on a deposit receipt is not to be exclusively done by the cashier but it is only conditional or chance duty if there is no Second Officer to counter sign. However, in the additional counter it is admitted by the Respondents that counter signature or deposit receipts is assigned to the cashiers from even prior to 19-10-1966 (i.e.) the date of the First Bipartite Settlement. In the evidence also M.W1. has admitted that counter signature by cashiers on deposit receipts is being made from prior to 19-10-1966. Thus it is proved that all these 29 cashiers in charge of cash department have been signing for more than two decades deposit receipts as a matter of routine and in the absence of any written order excepting Ex. W-5, the relevant extract of the Manual of Instructions. The Respondents cannot be heard to say that these cashiers are counter signing deposit receipts only in a casual and occasional manner and hence they are not entitled to special allowance payable to Head Cashier-Category 'C'. Para 5.6 of the Bipartite Settlement does not require that in order to get special allowance the employee should all the time in the day must be doing special allowance duties. It is enough that the employee does the special duty, namely in the present case, counter signing of fixed deposit receipts as part of the normal duties. I, therefore, hold that these 29 cashiers who are already drawing the lesser amount of special allowance due to Head Cashier-Category 'A' are eligible to draw the higher amount of special allowance due to Head Cashier-Category 'C' by virtue of their signing fixed deposit receipts and that they can claim this allowance without performing any other

special duty attached to Head Cashier-Category 'C'. However, it should be made clear that these cashiers or joint custodian cashier who are being given the rank of Head Cashiers-Category 'A' by the Respondents are not entitled to the status of Head Cashier-Category 'C' because they are not authorised and obliged to do all the duties and special duties of Head Cashier-Category 'C' and there is no order of appointment designating them as Head Cashier-Category 'C'. Significantly this duty of counter signing fixed deposit receipts attached to the Joint Custodian Cashiers by practice has been taken away from them by the Respondents by issuing the order Ex.M-76 dated 8-8-1987. The exact date when these 29 joint custodian cashiers were prevented from counter signing fixed deposit receipts in implementation of Ex.M-76 is not known. We should therefore decide that joint custodian cashiers concerned in this industrial dispute are entitled to draw the special allowance payable to Head Cashier-Category 'C' for the period in which they were counter signing fixed deposit receipts till the implementation of Ex.M-76 order. The Petitioner's contention that the Respondent-Bank has no authority to re-allocate the duty that is, withdraw from them the counter-signing duty and exclusively assign the said duty to the Second Officer after the expiry of three months as provided in para 22.2 of the Bipartite Settlement is not acceptable. The reason is, these 29 cashiers have not been specifically assigned the duty of counter-signing fixed deposit receipts by any written order & that they were permitted to discharge the said duty only as a matter of practice. Further more, para 5.9 of the Bipartite Settlement, dealing with continuity of an employee's assignment to discharge special duties states that it depends upon the terms of employment. Evidently, the terms of employment of these 29 Joint Custodian Cashiers, do not specifically assign to them the duty of affixing of counter signature or any other duty of Head Cashier-Category 'C'. I am of the view that Ex. M-76 order withdrawing the duty of counter signing fixed deposit receipts from joint custodian cashiers and preventing them from performing the said duty is legally valid. I therefore, hold on Point Nos. 1 and 3 that the 29 Joint Custodian Cashiers covered by this industrial dispute are not entitled to be designated as Head Cashier-Category 'C' in terms of First Bipartite Settlement dated 19-10-1966, but they are entitled to draw the higher special allowance due to Head Cashier-Category 'C' (i.e.) the difference between such higher special allowance and the lower special allowance they have already received from 19-1-1967 till the date of implementation of Ex.M.76 order, along with monetary benefits if any arising from such higher special allowance.

12. POINT NO. 2 : On Point No. 2, I find that the Cashier-workmen by reason of merely counter signing fixed deposit receipts are not entitled to be classified as Head Cashier-Category 'C'.

13. In the result, an award is passed directing the Respondents to pay special allowance due to the post of Head Cashier-Category 'C' to the 29 Joint Custodian Cashiers in Tamil Nadu and Pondicherry along with other monetary benefits if any arising from such higher special allowance from 19-1-67 till the

date of implementation of Ex.M-76 order. In other respects, industrial dispute is dismissed. No Costs.

Dated, this 25th day of July, 1991.

THIRU M. GOPALASWAMY, Presiding Officer

[No. L-12011/126/87-DII(A)]

WITNESSES EXAMINED

For Worker :W.W. 1—Thiru D. Sivaswamy.
For Management :M.W. 1—Thiru C.N. Ramasethan

DOCUMENTS MARKED.

For Workmen :

- Ex. W-1/6-8-74—Fixed Deposit Receipt for Rs. 1500/- in the name of Tvl. G. R. Venkataraman and V. Vasudevan (Xerox copy)
- Ex. W-2/14-8-86—Letter from Petitioner Union to the Management Bank No. 1 regarding payment of special allowance in respect of cashiers. (Xerox copy)
- Ex. W-3/2-12-86—Letter from Petitioner—Union to the Management Bank No. 1 regarding implementation of Bipartite settlements (Xerox copy)
- Ex. W-4/30-12-86—Dispute raised by the Petitioner—Union before the Regional Labour Commissioner (Central), Madras-6 (Xerox copy)
- Ex. W-5/ — — — Extract of Para 6.19 & 6.21 of Manual of Instructions .
- Ex. W-6/30-12-72—Award of the Industrial Tribunal (Central), Bangalore-Reference No. 1/1971 (Xerox copy)
- Ex. W-7/ — — — Extract of Manual of Instructions 1963—Para 366 authorising the cashiers to sign the deposit receipts.
- Ex. W-8/27-8-87—Conciliation Failure Report (copy)
- Ex. W-9/15-11-87—Acknowledgement from the Central Government for receipt of Conciliation Failure Report (Xerox copy)
- Ex. W-10/ — — — Specimen of Diamond Jubilee Cash Certificate of the Management Bank No. 2.
- Ex. W-11/ — — — Specimen of Cash Certificate of the Management Bank.
- Ex. W-12/2-11-88—Notification of Cashier vacancies by the Management Bank No. 1 (xerox copy)
- Ex. W-13/20-12-82—Transfer order issued to Thiru A. S. Manavalan to Chetpet Branch (Xerox copy)
- Ex. W-14/ — — — Extract of Para 5.13 of the First Bipartite Settlement dt. 19-10-66 on reallocation of duties.

Ex. W-15/ Circular Nb. 430, dt. 20-11-89 issued by Management Bank No. 1 regarding participation of employees in strike (xerox copy).

For Management :

- Ex. M-1/18-12-87—Fixed Deposit Receipt for Rs. 15,000/- in the name of Thiru S. Balasubramanian issued at Karupatti Branch (xerox copy).
- Ex. M-2/6-11-87—Fixed Deposit Receipt for Rs. 5000/- in the name of Thiru S. Rangakrishnan issued at Karupatti Branch (xerox copy).
- Ex. M-3/13-8-86—Fixed Deposit Receipt for Rs. 23,000/- in the name of Thiru S. Nagalingam Pillai & Tmt. Sivakami Ammal issued at Karupatti Branch (Xerox copy).
- Ex. M-4/24-9-88—Kalpataru Deposit Receipt for Rs. 4,000/- in the name of Thiru A. Velayutham issued at Karupatti Branch (Xerox copy).
- Ex. M-5/30-10-87—Kalpataru Deposit Receipt for Rs. 1,000/- in the name of Thiru K. Vardappan issued at Karupatti Branch (Xerox copy).
- Ex. M-6/5-6-87—Kalpataru Deposit Receipt for Rs. 13,000/- in the name of Tmt. K. Lakshmi issued at Karupatti Branch (Xerox copy).
- Ex. M-7/24-11-88—Pay order for Rs. 14,000/- issued to M/s. Service Supply Corporation by Mowbray's Road Branch (Xerox copy).
- Ex. M-8/8-8-88—Fixed Deposit Receipt for Rs. 3,500/- in the name of Thiru MHN. Ravichandran issued at Mowbray's Road Branch (Xerox copy).
- Ex. M-9/28-11-88—Demand Draft for Rs. 46,109-70p. on Canara Bank issued at Mowbray's Road Branch of the Management Bank (Xerox copy).
- Ex. M-10/27-5-88—Banker's cheque for Rs. 12,000/- signed by Officer of Karupatti Branch of the Management-Bank (Xerox copy).
- Ex. M-11/ — -11-88—Kalpataru Deposit Receipt for Rs. 1,000/- in the name of Thiru B. Parthiban issued at Mowbray's Road Branch (Xerox copy).
- Ex. M-12/8-2-74—Fixed Deposit Receipt of Rs. 80,000/- in the name of M/s. Sreenivasa Constructions Co., issued at Mylapore Branch (Xerox copy).
- Ex. M-13/26-6-75—Fixed Deposit Receipt for Rs. 20,000/- in the name of M/s. Sreenivasa constructions Co., issued at Mylapore Branch (Xerox copy).
- Ex. M-14/17-3-75—Fixed Deposit Receipt for Rs. 80,000/- in the name of M/s. Sreenivasa Constructions Co., issued at Mylapore Branch (Xerox copy).

- Ex. M-15/2-7-86—Letter from Management-Bank No. 1 to its Vellore Branch informing the duties of a cashier/Joint Custodian entrusted to Thiru W. V. Ramaprakash, Clerk (Xerox copy)
- Ex. M-16/21-4-78—Fixed Deposit Receipt for Rs. 10,000/- in the name of Tvl. B. Radha & B. Ramachandran issued at Theagarayanagar Branch (Xerox copy)
- Ex. M-17/27-6-79—Kalpataru Deposit Receipt for Rs. 2000/- in the name of Shoba Naidu issued at T. Nagar Branch (Xerox copy)
- Ex. M-18/14-5-81—Fixed Deposit Receipt for Rs. 400/- in the name of Mrs. Lilly Anthonyswamy, issued at Mylapore Branch (Xerox copy)
- Ex. M-19/13-6-81—Kalpataru Deposit Receipt for Rs. 16,000/- in the name of L. Nirmala Devi & 2 others issued at T. Nagar Branch (Xerox copy)
- Ex. M-20/15-6-81—Kalpataru Deposit Receipt for Rs. 16,000/- in the name of L. Nirmala Devi & 2 others issued at T. Nagar Branch (Xerox copy)
- Ex. M-21/14-6-81—Pay order for Rs. 9805.96 issued to Grindlays Bank by T. Nagar Branch of the Management-Bank (Xerox copy)
- Ex. M-22/17-7-81—Demand Draft for Rs. 50,000/- on M/s. Rajeevi Films issued by Tanuku Branch of the Management-Bank (Xerox copy)
- Ex. M-23/11-12-81—Fixed Deposit Receipt for Rs. 7000/- in the name of G. Jayasree issued at T. Nagar Branch (Xerox copy)
- Ex. M-24/4-3-82—Kalpataru Deposit Receipt for Rs. 400/- in the name of Thiru C. Somasekar Rao issued at Mylapore Branch. (Xerox copy)
- Ex. M-25/29-9-82—Pay order for Rs. 6388.36p. issued to Grindlays Bank Ltd., by the Management-Bank (Xerox copy)
- Ex. M-26/18-10-82—Demand Draft for Rs. 20,000/- on Thiru R. V. Vijayakumar issued by Management-Bank No. 2 (Xerox copy)
- Ex. M-27/2-2-83—Fixed Deposit Receipt for Rs. 1,00,000/- in the name of M/s. Amrutanjan Ltd., issued at Mylapore Branch (Xerox copy)
- Ex. M-28/8-6-82—Fixed Deposit Receipt for Rs. 1060/- in the name of Miss T. Ushasree Muno issued at T. Nagar Branch (Xerox copy)
- Ex. M-29/8-6-83—Pay Order for Rs. 77,000/- issued to Sundraram Motors by T. Nagar Branch of the Management-Bank (Xerox copy)
- Ex. M-30/29-6-83—Demand Draft for Rs. 7,500/- on Thiru K. Ravi Kumar issued by Amalepuram Branch of the Management-Bank (Xerox copy)
- Ex. M-31/3-10-83—Kalpataru Deposit Receipt for Rs 1000/- in the name of G. Bala issued at T. Nagar Branch (Xerox copy)
- Ex. M-32/18-2-84—Fixed Deposit Receipt for Rs. 1,00,000/- in the name of Thirumala Rubber Co., Ltd., issued at Mylapore Branch (Xerox copy)
- Ex. M-33/29-10-84—Fixed Deposit Receipt for Rs. 40,000/- in the name of Thiru G. Srinivasa Rao issued at T. Nagar Branch (Xerox copy)
- Ex. M-34/3-12-84—Demand Draft for Rs. 12,000/- in the name of P. Surapa Ravi issued at Palakol Branch of Management-Bank (Xerox copy).
- Ex. M-35/3-12-84—Demand Draft for Rs. 5400/- on Lakshmi Enterprises issued at Ramachandraraopet Branch of the Management-Bank (Xerox copy).
- Ex. M-36/5-12-84—Pay order for Rs. 1,88,375/- issued to Indian (Xerox copy), T. Nagar
- Ex. M-37/12-6-85—Fixed Deposit Receipt for Rs. 10,000/- in the name of Thiru S. T. Govindaraj and 2 others issued by T. Nagar Branch of the Management-Bank (Xerox copy).
- Ex. M-38/25-10-85—Demand Draft for Rs. 1,90,000/- on Thiru A. Suryanarayana issued at Samalkot Branch of the Management-Bank (Xerox copy).
- Ex. M-39/29-10-85—Pay order for Rs. 1,75,000/- issued to Gopi Art Picture by T. Nagar Branch of the Management-Bank (Xerox copy).
- Ex. M-40/23-12-85—Fixed Deposit Receipt for Rs. 9000/- in the name of Thiru S. V. Krishna Rao and another issued by Mylapore Branch (Xerox copy).
- Ex. M-41/6-10-86—Demand Draft for Rs. 1,00,000/- on Prasad Film Laboratories issued at Veerabhadrapuram branch of the Management-Bank (Xerox copy)
- Ex. M-42/7-10-86—Pay order for Rs. 3,48,375/- issued to Indian Bank by T. Nagar Branch of the Management-Bank (Xerox copy)
- Ex. M-43/19-6-86—Fixed Deposit Receipt for Rs. 620/- in the name of Tvl. S. Soundaram & V. Gurusubramanian issued at Mylapore Branch (Xerox copy).
- Ex. M-44/ — — —do— Extract from Manual of instruction relation to Fixed Deposit (Xerox copy)
- Ex. M-45/ — — —do— relating to Demand Draft (—do—)
- Ex. M-46/ — — —do— relating to Telegraphic Transfer (Xerox copy)
- Ex. M-47/ — — —do— Extract from Bipartite settlement relating to special allowances & Special Allowance duties (Xerox copy)

- Ex. M-48| — — Paragraph 5.4 to 5.15 of the Bipartite Settlement dated 19-10-66 (Xerox copy)
- Ex. M-49| — — Names of cashiers in Tamil Nadu and Pondicherry of the Management-Bank as on 30-6-88 (Xerox copy)
- Ex. M-50| — — Statement showing date of opening of branches of Management-Bank (Xerox copy)
- Ex. M-51| — — Dates upto which Karupatti and Keeripatti were managed with single Officer.
- Ex. M-52| — — Xerox copy of general power of attorney issued by the Management Bank to Thiru K. V. Surendranath
- Ex. M-53|19-3-81—Memorandum of Settlement between parties (Xerox copy)
- Ex. M-54|27-10-86.—Fixed Deposit Receipt for Rs. 25,000/- in the name of Thiru R. Ravi issued at Mowbrays Road, Branch.
- Ex. M-55|27-10-86.—Fixed Deposit Receipt for Rs. 25,00/- —do—
- Ex. M-56|13-11-86— do Rs. 3,500/- in the name of Thiru P. S. Gopalakrishnan issued at Mowbrays Road Branch.
- Ex. M-57|3-11-86—Kalpatharu Deposit Receipt for Rs. 3000/- in the name of Thiru R. Ramesh issued at Mowbrays Road Branch.
- Ex. M-58|30-9-86—Kalpatharu Deposit Receipt for Rs. 5000/- in the name of Thiru T. V. Balakrishnan & Tmt. Radha Balakrishnan issued at Mowbrays Road Branch.
- Ex. M-59|13-11-86—Kalpatharu Deposit Receipt for Rs. 5000/- in the name of Thiru S. Abdur Rahim issued at Mowbrays Road Branch.
- Ex. M-60|1-6-87—Kalpatharu Deposit Receipt for Rs. 38,000/- in the name of Thiru R. Gowthaman & Tmt. G. Vasanthi issued at Mowbrays Road, Branch.
- Ex. M-61|19-9-83—Fixed Deposit Receipt for Rs. 900/- in the name of Thiru R. Renjiah issued at Karupatti Branch.
- Ex. M-62|3-2-83—F. D. receipt for Rs. 5150 in the name of Thiru S. V. Lakshmi Narayanan issued at Karupatti Branch.
- Ex. M-63|3-2-83—F. D. receipt for Rs. 5150/- in the name of Tmt. S. V. Anandavalli issued at Karupatti Branch.
- Ex. M-64|2-1-84—F. D. receipt for Rs. 2000/- in the name of Tvl. S. Vimala issued at Karupatti Branch.
- Ex. M-65|12-1-87—F. D. receipt for Rs. 1000/- in the name of Tvl. K. Vaali & Koolandi Servai issued at Karupatti Branch.
- Ex. M-66|26-7-82.—Kalpatharu Deposit Receipt for Rs. 2000 in the name of Tmt. C. S. Vasuvamba issued at Karupatti Branch.
- Ex. M-67|13-4-87.—Kalpatharu deposit receipt for Rs. 597.50 in the name of Thiru M. Yesiah issued at Karupatti Branch.
- Ex. M-68|4-10-83.—Kalpatharu Deposit Receipt for Rs. 5000 in the name of L. Alamelu issued at Karupatti Branch.
- Ex. M-69|4-10-83.—Kalpatharu Deposit Receipt for Rs. 5000 in the name of L. Alamelu issued at Karupatti Branch.
- Ex. M-70|29-11-84.—Kalpatharu Deposit Receipt for Rs. 500 in the name of Thiru M. Kasim issued at Karupatti Branch.
- Ex. M-71|20-2-86.—Kalpatharu Deposit Receipt for Rs. 3000 in the name of Thiru A. Paulraj issued at Karupatti Branch.
- Ex. M-72|17-9-86.— do Thiru V. Veerannan for Rs. 200 —do—
- Ex. M-73|30-12-86.— -do- Thiru Manoharan for Rs. 2000 —do—
- Ex. M-74|9-1-87.— -do- Tmt. P. Thilagavathi for Rs. 15000 —do—
- Ex. M-75|9-1-87.— -do- Tmt. P. Thilagavathi for Rs. 5000 —do—
- Ex. M-76| —Circular No. 309, dt. 8-8-87 issued by Management No. 1 regarding issuance of deposit receipts as Term Deposits (Xerox copy).
- Ex. M-77|1-8-85.—F.D. Receipt for Rs. 10,000 in the name of Thiru M. Vanaperumal issued at Karupatti Branch.
- Ex. M-78|28-10-85.—F.D. receipt for Rs. 2500 in the name of Thiru S. R. Peelaiporathan issued at Karupatti Branch.
- Ex. M-79|30-10-85.—F.D. receipt for Rs. 10000 in the name of Thiru P. Ayyavoo issued at Karupatti Branch.
- Ex. M-80|4-11-85.—F.D. receipt for Rs. 1000 in the name of Thiru V. Shajahan issued at Karupatti Branch.
- Ex. M-81|16-11-85.—F.D. receipt for Rs. 15000 in the name of Thiru S. Govindarajulu issued at Karupatti Branch.
- Ex. M-82|21-11-85.—F.D. receipt for Rs. 25000 in the name of Smt. Ammeena Beevi issued at Karupatti Branch.
- Ex. M-83|9-7-85.—Kalpatharu Deposit Receipt in the name of Baby S. Senthil Kumari for Rs. 4000 issued at Karupatti Branch.
- Ex. M-84|19-9-85.—Kalpatharu Deposit Receipt in the name of Tmt. M. Venkatesan & M. Subbarayalu for Rs. 1500 issued at Karupatti Branch.
- Ex. M-85|8-10-85.—Kalpatharu Deposit Receipt in the name of Thiru P. Mauniyandi for Rs. 1000 issued at Karupatti Branch.
- Ex. M-86|12-11-85.—Kalpatharu Deposit Receipt in the name of Tvl. M. Venkatesan & M. Subbarayalu for Rs. 4500 issued at Karupatti Branch.

Ex.M-87|21-11-85.—Kalpatharu Deposit Receipt in the name of Smt. P. Thilagavathi for Rs. 15,000 issued at Karupatti Branch.

Ex.M-88|27-11-85.—Kalpatharu Deposit Receipt in the name of Smt. P. Thilagavathi for Rs. 5,000 issued at Karupatti Branch.

Ex.M-89|11-12-85.—Kalpatharu Deposit Receipt in the name of Thiru K. Murugesan for Rs. 11,000 issued at Karupatti Branch.

Ex. M-90|3-1-85.—Kalpatharu Deposit Receipt in the name of Tvl. M. Venkatesan & M. Subbarayalu for Rs. 4,500 issued at Karupatti Branch.

Ex.M-91|19-4-86. Kalpatharu Deposit Receipt in the name of Smt. V. Kuchela for Rs. 974.25 issued at Karupatti Branch.

Ex.M-92|3-7-86.—Kalpatharu Deposit Receipt in the name of Thiru G. Somasundaram for Rs. 350 issued at Karupatti Branch.

Ex.M-93|30-10-86.—Fixed Deposit Receipt in the name of Miss M. Geetha for Rs. 5092.85 issued at Mowbray Road Branch.

Ex.M-94|3-12-86.—Kalpatharu Deposit Receipt in the name of Thiru C. N. Krishna Sayec and Smt. Rama for Rs. 5492.50 issued at Mowbraya Road Branch.

Sd/- (illegible)

का.आ. 3220 : —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-12-91 को प्राप्त हुआ था।

S.O. 3220.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Mgt. of Allahabad Bank and their workmen, which was received by the Central Government on 2-12-91.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, PANDU NAGAR, DEOKI PALACE ROAD, KANPUR

Industrial Dispute No. 39 of 1987

In the matter of dispute between :

Shri Kalka Prasad,
C/o Shri P. C. Bajpai,
Allahabad Bank Swarup Nagar,

AND

The Assistant General Manager,
Allahabad Bank,
Zonal Office 113 58,
Swarup Nagar,
Kanpur.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012|267|II|86-D.II(A) dt. 14-4-87, has referred the following dispute for adjudication to this Tribunal:—

Whether the action of the management of Allahabad Bank Kanpur in terminating the services of Shri Kalka Prasad ex-peon-cum-farrash w.e.f. 2-9-83 is justified? If not, to what relief is the concerned workman entitled?

2. In the present case the first date for the cross examination of the workman was 19-9-91, whether the case was got adjourned for on pretext or the other till 19-7-91. Since on 19-7-91 the Presiding Officer was on leave as such the case was adjourned for the cross examination on 20-9-1991. On 20-9-91, Shri K. N. Soni, appearing for the workman in the case withdraw his authority whereupon a notice to this effect was sent to the workman intimating him the next date as 15-11-91 for his cross examination. Despite issue of the said notice, neither the workman appeared in the case nor sent any application. Thus it appears that the workman is not interested in the case.

3. Therefore, in view of the facts and circumstances stated above a no claim award is given against the workman. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

[No. L-12012|267|11|86-D.II(A)]

का.आ. 3221 : —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-12-91 को प्राप्त हुआ था।

S.O. 3221.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the Mgt. of Punjab National Bank and their workmen, which was received by the Central Government on 2-12-91.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, PANDU

NAGAR, KANPUR.

Industrial Dispute No. 122/1990

In the matter of dispute between

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/524/89-D.II-A dt. 24-4-90 has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Punjab National Bank in awarding punishment of stoppage of one annual graded increment without cumulative effect, vide their letter dt. 13-1-89 to Shri A. K. Gupta is justified? If not to what relief the workman is entitled?

2. On 30-9-91, the instant case was adjourned on the application of the Union with the clear direction that 14-11-91 is given as a last opportunity for filing of affidavit evidence in the case on behalf of the Union.

3. On 14-11-91, Shri B. P. Saxena appeared for the Union and informed the Tribunal that he has no instructions in the case. Despite writing of letters no one has turned to contact him. It therefore appears that the Union is not interested in the case.

4. Therefore, from the facts and circumstances stated above, a no claim award is given in the case against the Union/workman.

ARJAN DEV, Presiding Officer

[No. L-12012/524/89-DII(A)]

नई दिल्ली, 5 विमम्बर, 1991

का.आ. 3222 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-91 को प्राप्त हुआ था।

New Delhi, the 5th December, 1991

S.O. 3222.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Management of UCO Bank and their workmen, which was received by the Central Government on 4-12-91.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

CASE No. CGIT/LC(R)(4)/1989

PARTIES :

Employers in relation to the management of U.C.O. Bank, Divisional Office, Nagpur (MS) and their workman, Shri Srinath A. Nagarale, Sub-Staff, represented through the Dy. General Secretary, UCO Bank Workers Organisation, 542, Congress Nagar, Nagpur (MS)-461012.

APPEARANCES :

For Workman—Shri Satish Sashrabudhe.

For Management—Shri R. C. Srivastava,

Advocate.

INDUSTRY : Banking DISTRICT : Nagpur (MS)

AWARD

Nagpur, the 15th November, 1991

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-12012/465/88-D 2(A) dated 3rd January, 1989, for adjudication of the following dispute :—

“Whether the action of the management of UCO Bank, New Majri Colliery Branch, in terminating the services of Shri Srinath A. Nagarale, Sub-staff is justified? If not, to what relief is the workman entitled?”

2. Facts leading to this case are as under :—

Shri Srinath Nagarale was appointed at New Majri Colliery Branch of the UCO Bank since 10-1-1984 and he worked as Sub-staff Peon till the date of his termination from service on 16-1-1988. He worked for the following days in the years shown against them :—

Year	No. of days worked
1984	236 days
1985	115 days
1986	213 days
1987	252 days
1988	13 days

3. According to the workman, he had worked for more than 240 days against a permanent service but he was not paid for Sundays and Bank Holidays. He was paid wages @ Rs. 10 per day as daily rated workman. He was entitled to receive wages as per rate prescribed under the provisions of Bipartite Settlement. The workman work as per Rules during this period from 9.30 A.M. to 6.00 P.M. and following work was extracted from him.

1. Opening daily the branch premises with the keys provided to him.
2. To clean the premises and counters.
3. To fetch the drinking water.
4. To despatch the Dak of the branch from Post Office.
5. To despatch the dak of the day.

6. To attend the counter during working hours.
7. To assist staff in providing Bank's ledgers and books.
8. To deal with daily vouchers of the branch.

4. Thus he was required to perform all the duties of permanent Sub-staff of the Branch and his services were utilised as permanent Sub-staff of the Branch. His services were, however, terminated without giving him notice under Section 25-F of the I.D. Act or compensation as per law.

5. On the other hand, the Bank preferred to appoint junior persons which is contrary to the provisions of Section 25-G and H of the I.D. Act. As per Sastri Award he was a probationer and after probationary period he should have been regularised. He was entitled to equal wages for equal work. Thus he is entitled to the following reliefs:

- (1) Declare the action of the bank in terminating the services of the workman w.e.f. 16-1-88 as illegal and unjustified and further be pleased to direct the bank to reinstate the employee with full back wages as per the provisions of the Bipartite settlement.
- (2) Direct the bank to pay wages to the employee as per the rate prescribed in the Bipartite settlement for all the days he has worked in the bank before termination of his services.
- (3) Direct the bank to pay him wages for Holidays and Sundays before the termination of his services.
- (4) Direct the Bank to pay him Bonus for all the years after his employment.
- (5) Direct the bank to give him all the benefits of leave, seniority, back wages and other benefits payable to the permanent employee of the bank right from the first date of appointment.
- (6) Any other relief and cost of the case.

6. Management has denied the alleged claim. According to the management the Union concerned has no locus standi to raise this dispute and the reference is liable to be rejected on this count alone.

7. Workman was a casual worker on daily rated basis for the period as and when required. On the days he was engaged he put in about 3¼ hours work on week days and 2 hours work on Saturdays. He has been paid remuneration accordingly. He was neither appointed against the regular post nor he was regularised. The employment is made through the Employment Exchange and after due selection the candidate is appointed. Thus the employee cannot claim the status of a bank employee. He was purely as helper. The workman did not come through the Employment Exchange. He was never registered with the Employment Exchange. His services came to an end on every day and termination of his services is as a result of non-renewal of contract of employment between the employer and the workman concerned on the expiry of such contract. The reference is accordingly liable to be rejected.

8. Reference was the issue in the instant case.

FINDINGS WITH REASONS

9. Workman has filed three documents Ex. W/1 to Ex. W/3. He has also examined himself on Affidavit as W.W. 1 and one Bamanduttatrye Bhalerao as W.W. 2. Documents Ex. W/1 to Ex. W/3 as also the testimony of Bamanduttatrye who is Asst. Secretary of UCO Bank workers Organisation has proved that this dispute has been sponsored by the duly competent Union and the workman is a member of the said Union.

10. The facts are almost undisputed. They are also proved from the Affidavit of W.W. 1 whose cross-examination does not bring out any facts contrary to what he has alleged. He did not get appointment letter alright. He was a daily rated employee but fact remains that he had worked for more than 240 days as envisaged under section 25-B of the I.D. Act and for want of the compliance of the provisions of Section 25-F of the I.D. Act his retrenchment is void ab initio. His case is a case of retrenchment simpliciter and voluminous case law of the Supreme Court has developed on this point, perhaps the Bank is either sleeping or motivated.

11. From the testimony of the workman it is also established that after his termination Shri Awari was appointed as given by him in para 10 of his Affidavit. Thus there is violation of Section 25-H of the I.D. Act also.

12. I failed to understand as to why even casual appointment was not made through the Employment Exchange or after due verification that he is registered in the Employment Exchange or not. It is also not understandable as to what test the workman for job he was to perform was desirable. The termination is therefore void ab initio. The workman is deemed to be in continuous service from the date of his appointment. He is entitled to all back wages and consequential benefits including regularisation etc. with costs of Rs. 1000. This costs should be recoverable from the defaulting officer.

13. Reference is accordingly answered as follows:

The action of the management of UCO Bank, New Majri Colliery Branch, in terminating the services of Shri Srinath A. Nagarale, Sub-staff is not justified. He is entitled to be reinstated with all back wages and consequential benefits with Rs. 1,000 as costs. The costs is recoverable from the defaulting officer.

V. N. SHUKLA, Presiding Officer
[No. L-12012/465/88-D II(A)]

का.प्र. 3223 : —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू इण्डिया एंथ्रोरेस कं. लिमिटेड के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-91 को प्राप्त हुआ था।

S.O. 3223.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Mgt. of New India Assurance Co. Ltd. and their workmen, which was received by the Central Government on the 4th December, 1991.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

CASE NO. CGIT/LC(R)(146)/1990.

PARTIES :

Employers in relation to the management of New India Assurance Company Ltd. Bhopal (M.P.) and their workman M. L. Chinnu, Assistant (Clerical), represented through the President, General Assurance Employees Union, C/o National Insurance Co Ltd. Akash Ganga Shopping Complex, Supela Bhilai (M.P.).

APPEARANCES :

For Union/Workman : Shri S. S. Dhillon.

For Management : Shri A. K. Shastri Advocate.

INDUSTRY : Assurance Co. DISTRICT : Bhopal (M.P.).

AWARD

Dated : the November 18th 1991.

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-17012/190-IR(B) I (B2) dated 24th May, 1990. for adjudication of the following dispute :—

“Whether the action of the management of New India Assurance Co. Ltd., in giving appointment on regular basis with effect from 14-11-85 only instead of giving appointment from the date of actual joining viz. 3-10-85 to Shri M.L. Chinnu, Assistant (Clerical) justified? If not, to what relief the workman is entitled to ?”.

2. Shri M. L. Chinnu was appointed by Raipur Division Office on temporary basis with effect from 3-10-1985. No appointment letter was issued to him in this regard. By virtue of appointment letter dated 30-10-1985, his appointment was made with effect from 14-11-85.

3. It is also not a disputed fact that before Shri Chinnu was appointed on 3-10-85 there was an advertisement for the post of Assistant (Clerical) in the New India Assurance Co. Ltd. The written test was held in September, 1984 at Raipur. The workman appeared in the examination and successfully passed in the test. He was advised to appear for the personal interview on 18-3-85 in the Divisional Office of the Company at Raipur. He appeared for the personal interview and was selected for the post of Assistant (Clerical). He had also undergone the Medical Examination as desired by the management.

4. Workman says that though he was appointed on 3-10-85 and he worked in the capacity of Assistant (Clerical) since that the date onwards but by virtue of his appointment letter dated 3-10-85 his appointment was made w.e.f. 14-11-85 which is wrong. He has also not been paid wages at the time rate from 3-10-85 to 14-11-85. Though his appointment was made in the sanctioned pay scale of Rs. 520-1660 along with D.A. and other allowances and though he had joined w.e.f. 3-10-85 he is not getting the wages accordingly. He is therefore, entitled to the following reliefs :—

- (1) Sanctioned Pay Scale of the post of Assistant (C) w.e.f. 3-10-1985.
- (2) Difference of pay from 3-10-1985 to 13th November 1985.
- (3) Fixation of pay at Rs. 640 per month in the scale of Rs. 520-1660 w.e.f. 3rd October, 1985 and difference of pay thereon.
- (4) His appointment be treated from 3rd October 1985 i.e. on which date he joined the post of Assistant (C) in compliance with the order of the then Senior Divisional Manager of the Company at Raipur.

5. Management says that on 3-10-85 he was appointed purely on temporary basis. He was not appointed on the post of Assistant (C) as alleged but only to clear the pending job resulting out from the long ban recruitment in the cadre of Class III & IV (Clerical and subordinate cadre). The Divisional Manager did write a letter dated 4-10-85 requesting Regional Manager to issue appointment letter from 3-10-85 if possible. However, the competent authority to issue the appointment letter is Regional Manager and the appointment letter can only be issued after obtaining documents, marks sheet, certificate as to his age, qualification, satisfactory medical report, letter of three referees certifying the character of the candidate etc.

6. In the case of Shri Chinnu the management had received letters from the three referees on 24-10-85 and after necessary verification of all the documents at RO level appointment letter dated 30-10-1985 was issued on the residential address of Shri Chinnu. He joined on 14-11-1985. He was only given job on temporary basis between 3-10-1985 to 13-11-1985 and for want of the necessary documents he was not given fulfilled appointment. Hence the reference is liable to be rejected.

7. Shri Chinnu has raised this dispute after a lapse of two and a half years. He could have brought these facts to the notice of the management in the initial stage but instead he accepted the said appointment and the terms and conditions given therein. Hence also the reference is liable to be rejected.

8. Reference was the issue in the instant case.

FINDINGS WITH REASONS :

9. Management has filed documents Ex. M/1 to Ex. M/9. Workman has not filed any document. He has however examined himself in support of his case.

10. It is virtually indisputed that the workman worked on the casual basis between 3-10-85 to 13th November, 1985 and was paid accordingly which is established from the documents produced by the management.

11. Workman had undergone all the test of the substantive post before he was casually appointed on 3-10-85. It is for this reason only that the Divisional Manager as per Ex. M/6 dated 4th October, 1985 had requested the Regional Office for giving appointment w.e.f. 3-10-85 if possible.

12. Even assuming that all what the management has stated is treated as true the fact remains that he was appointed on 3-10-85 and he continued subsequently out for the reasons given by the management the workman was appointed on casual basis from 3rd October, 1985 to 13th November, 1985.

13. Obviously the workman was appointed on 3-10-1985. He had joined on 3-10-85 in the capacity of Assistant (C) though on casual basis and he was accordingly paid on casual basis during the period from 3-10-85 to 13-11-85 till he was given appointment letter and according to the management he joined accordingly.

14. Obviously the alleged impediments, if any, were just formalities and which should have been cured in the instant case and he should have been regularised from 3-10-1985 onwards as suggested by the Divisional Manager in Ex. M/4. It is one of the simplest case which the management should have taken care of but for the luxury of litigation.

15. If he was casually appointed he was appointed against permanent vacancy after he had undergone the procedure of test and interview and he was permitted to join from 3-10-85. Obviously against the permanent post though casual for want of certain formalities. If the management was so sticky it should have waited till the formalities were completed before giving appointment to a fully qualified and selected candidate or since he had completed the formalities the past service period should have been regularised. This is what a rational man would have done, Reference is accordingly answered as under :—

The action of the management of New India Assurance Co. Ltd., in giving appointment on regular basis with effect from 14-11-85 only instead of giving appointment from the date of actual joining viz. 3rd October 1985 to Shri M. L. Chinnu, Assistant (Clerical) is not justified. He is entitled to regularisation on the post of Assistant (Clerical) from the date of actual joining i.e. on 3-10-85 with all consequential reliefs. No order as to costs.

V. N. SHUKLA, Presiding Officer
[No. L-17012/1/90-IR (B-I)/IR (B-II)]

का.प्र. 3224 : —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबन्धतंत्र के संबंध

नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-91 को प्राप्त हुआ था।

S.O. 3224.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Mgt. of Life Insurance Corporation of India and their workmen, which was received by the Central Government on the 4-12-1991.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

CASE NO. CGIT/LC(R)(132)/1989.

PARTIES :

Employers in relation to the management of Life Insurance Corporation Indore and their workman, Shri H. Khan, Assistant Career Agent, Branch Indore, represented through the General Secretary, Indore Division Insurance Employees Association, 59, Bima Nagar, Indore (M.P.).

APPEARANCES :

For Workman—Workman in person.

For Management—S/Shri M. R. Sohane & M. S. Joshi.

INDUSTRY : Insurance Co

DISTRICT : Indore (M.P.).

AWARD

Dated the 15th November, 1991.

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-17012/20/87 I.R. Bank I. dated 21st July, 1989, for adjudication of the following dispute :—

“Whether the action of the management of Indore Division of L.I.C. of India Indore in imposing the penalty of reduction in basic pay of their workman, Shri H. Khan, Assistant Career Agents Branch Indore by 3 steps in the time scale applicable to him w.e.f. 5-2-84 is legal and justified ? If not, to what relief the concerned workman is entitled ?”

2. Shri H. Khan is an employee of the L.I.C. of India and was posted as Assistant Career Agent, Branch Indore, at the relevant time. On 31-1-83 he was charge-sheeted as follows and the departmental enquiry was held against him.

"You, Shri H. Khan, Assistant, Career Agents' Branch, Indore are hereby charged as under :—

- (1) that you along with others, conspired in the submission of two fake loan applications and planning of two fabricated and forged policy files on or about 24-11-1982 in respect of Policy Nos. 28413171 and 28465023 purported to have been issued on the file of Shri Krishna Singh Tomar and while processing the loan applications, you prepared loan review slip and payment voucher for Rs. 15240 representing the loan under Policy No. 28465023, ignoring the check up from the ledger sheet the particulars of Policy No. 28413171 which, in fact, was issued in favour of Shri Harish Chandhok. Your failure to check up the particulars of the aforesaid policy No. 28413171 led to the grant of a loan of Rs. 15240 under Policy No. 28465023 by fraudulent means.
- (2) That you failed to check up the genuineness of the policy records pertaining to policy No. 28465023 favouring Shri Krishna Singh Tomar, in as much as the relevant records were in fact forged and fabricated.
- (3) That you also failed to locate the source through which the loan papers, along with policy document bearing No. 28465023, were placed on your table on or about 25-11-82, which ultimately led to the fraudulent payment of loan under Policy No. 28465023.

By our above acts you have—

- (i) failed to maintain absolute integrity and devotion to your duty ;
- (ii) failed to serve the Corporation honestly and faithfully ;
- (iii) knowingly acted in a manner detrimental to the interest of the Corporation and prejudicial to good conduct and
- (iv) displayed gross negligence in the discharge of your duties.

By your aforesaid acts you have committed breach of Regulation 21.24 and 39(i) of the L.I.C. of India (Staff) Regulations, 1960 for which any one or more penalties as specified under Regulation 39 (i) (a) to (e) of the aforesaid Regulations can be imposed on you."

3. The Enquiry Officer vide his report dated 20th October, 1983 held that the Charge No. 1 has not been proved. Charge No. 2 & 3 have been proved. As per final order the workman was punished by reducing his basic pay by 3 steps in the time scale applicable to him with effect from 5-1-1984

4. Proceedings dated 30-8-1990 disclosed that the workman had admitted the record of the D.E. He had also admitted that he does not challenge the validity of the enquiry. He only questioned the

findings calling them perverse and accordingly prayed as follows :—

- (1) Declaring the impugned order of the Chairman of LIC of India as improper, unjustified and quashing the impugned order.
- (2) LIC be directed to restore him to the same position as far as his salary including dearness allowance is concerned to which he would have been absent of the impugned order.
- (3) LIC of India be directed to pay to him the whole of the amount of salary including D.A. which has not been paid to him because of the impugned order and would have been paid to him in absence of the impugned order.
- (4) Other relief which the Honourable Court deems fit.

5. Management denied the alleged claim of the workman. According to the management the punishment given is legal and proper.

6. Following issues were framed and my findings are recorded accordingly.

ISSUES :

1. Whether the domestic/departamental enquiry is proper and legal ?
2. Whether the punishment awarded is proper and legal ?
3. Whether the management is entitled to lead evidence before this Tribunal ?
4. Whether the termination/action taken against the workman is justified on the facts of the case ?
5. Relief and costs

FINDINGS WITH REASONS :

6. Issues No. 1 & 3.—So far the Issues No. 1 & 3 are concerned, in view of the above referred statement of the workman I hold that the domestic enquiry is proper and legal and that it is not necessary for the management to lead evidence before this Tribunal.

7. Issues No. 2, 4 & 5.—So far these issues are concerned, I find that so far charge no. 2 is concerned there is ; no perversity in the findings and there is a detailed discussions of the evidence on record in paras 25 to 40 of the Report of the Enquiry Officer. I have gone through all the other materials on record particularly referring to the statements of Ashok K. Dubey (Witness No. 18), R. N. Bhattacharya (Witness No. 2), D. C. Saxena (Witness No. 19), V. T. Date (Witness No. 23) referred to in para 9(ii) of the statement of claim of the workman concerned. It is not necessary for me to reproduce the same.

8. So far the question of Charge No. 3 is concerned, it is very strange as to how it was necessary for the workman to find out as to who put the relevant file on his table on or about 25-11-1982 which ultimately led to the fraudulent payment of loan in Policy 28465023. The reasoning is also perverse and it can be said that the charge no. 3 is not proved. It is true that in the circumstances if the workman had cared to trace out as to how the said file came to his table he would not have committed the charge no. 2. This was obviously a part of gross negligence on the part of the workman concerned because if even a little care had been taken by the workman concerned, he would have conveniently traced the forgery of the said policy, but he had no premonition of those circumstances.

9. That being the case, the only charge no. 2 stands proved. The findings relating to charge no. 3 being perverse are set aside.

10. Now remains the question of penalty. In the above circumstances the only relief that can be given to the workman is that his reduction in his basic pay from three steps in the time scale applicable to him to two steps with effect from 5-2-1984. With this modification in the punishment no other interference is called for. Reference is accordingly answered as follows :

The action of the management of Indore Division of L.I.C. of India Indore in imposing the penalty of reduction in basic pay of their workman, Shri H. Khan Assistant Career Agents Branch Indore by 3 steps in the time scale applicable to him w.e.f. 5-2-1984 is legal but a little excessive. Penalty of 3 steps reduction in his basic pay is reduced to 2 steps with effect from 5-2-1984. He is entitled to the pay and allowance of one step as per para 10 of the award. No order as to costs.

V. N. SHUKLA, Presiding Officer.

[No. L-17012/20/87-IR(B.I)]

नई दिल्ली, 6 दिसम्बर, 1991

का. आ. 3225 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-91 को प्राप्त हुआ था।

New Delhi, the 6th December, 1991

S.O. 3225.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Mgt. of Canara Bank and their workmen, which was received by the Central Government on the 5-12-1991.

ANNEXURE

BEFORE SHRI ARJAN DEV. PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL PANDU NAGAR, KANPUR

Industrial Dispute No. 179 of 1988.

In the matter of dispute between :

Shri Karan Singh, Ex. Clerk, (185-18) B-760, Lajpat Nagar, Moradabad.

AND

The Chairman Canara Bank, H.O. 112 J. C. Road, Bangalore.

1. The Central Government, Ministry of Labour, vide its notification no. L-12012/47/88-D.II(A) dt. 9-12-1988 has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Canara Bank in dismissing Shri Karan Singh from the service of the Bank is justified? If not, to what relief the workman entitled?

2. The admitted facts are that Shri Karan Singh workman who joined Canara Bank as a clerk on 17-3-1976 was confirmed in the said post of clerk on 17-9-1976 while he was posted at Moradabad, he was served with chargesheet dated 18-5-1982, and was also suspended the same day. The inquiry into the said charge was conducted by Shri C. Badri an officer of the Bank. The E.O. gave his findings on 26-11-1984 and held the charge as proved against the workman. The E.O. then issued a show cause notice about the proposed punishment to the workman and after considering his submissions he was of the view that he did not see any reason for any change in the punishment proposed i.e. dismissal from bank's service of the bank as per Chapter XI Clause 4(g) of the Canara Bank Service Code. The Disciplinary Authority agreed with the finding given by the E.O. and the recommendations made by him with regard to the punishment to be awarded to the workman. The Disciplinary Authority, therefore, awarded the punishment of dismissal from service to the workman, by his order dated 31-7-1985. Against the said order the workman filed an appeal but the same was dismissed on 10-3-1987 by the Executive Director. The workman was informed about the dismissal of appeal by the Deputy General Manager by means of his letter dated 18-4-1987.

2. The Charge Sheet issued to the workman is dated 18-5-1982 and it reads as under :—

You are working at our Moradabad branch since March 1976. On 20-06-1981, when you were working as Clerk at our above said branch a letter dt. nil purported to have been issued by account holder of SB 1634 viz. Shri Sardar Hussain requesting for issue of a cheque book in his above referred account was presented across the counter. In the cheque requisition letter referred to above the signatures of one Shri Raj Pal, to whom the new cheque book for his S.B.

Account 1634 was to be delivered were attested. Accordingly, the new cheque book bearing numbers 945931 to 945940 was issued to the bearer whose signatures were attested on the letter. On 22-6-1981 cheque no. 945932 dated 22-6-1981 for Rs. 6,800 favouring 'Self' from out of the cheque book issued against the above referred letter was found lying on the S. B. Counter by concerned S. B. Counter Clerk. The Cheque bore the words 'T-37' on the face thereof signifying that token no. 37 had been issued to the person who had presented the said cheque. Accordingly, the cheque referred above was passed and the payment of Rs. 6,800 in respect of the said cheque was made by the branch.

It has now been observed that the purported signatures of account holder of S. B. Account No. 1634 viz. Sh. Sardar Hussain were forged by someone on the cheque requisition letter referred to above and on the cheque No. 945932 for Rs. 6,800 favouring self paid by the branch on 22-06-1981.

An investigation into the matter has revealed that the cheque requisition letter purported to have been sent by Shri Sardar Hussain was presented/caused to be presented over the counter by you and accordingly you unauthorisedly got/caused the cheque book issued on account of party's S. B. account 1634. From the above said cheque book, you presented/caused the cheque No. 945932 dated 22-06-1981 for Rs. 6,800 favouring self presented was forged/caused the signatures of account holder forged on the said cheque and thereby fraudulently obtained/caused the payment of Rs. 6,800 from the S. B. Account 2634 of Shri Sardar Hussain.

By your above act you have caused loss to the property of the Bank as well as its customers and have thus committed gross misconduct within the meaning of chapter XI Regulation 3(j) of Canara Bank Service Code.

Your above act being prejudicial to the interest of the Bank and you have thus committed gross misconduct within the meaning of Chapter-XI Regulation-3(m) of Canara Bank Service Code.

3. The workman has challenged the order of punishment on a number of grounds. He alleges that the chargesheet served on him was vague as it did not specify the name of the person said to have committed the misconduct. In fact Mohd. Mohiuddin Account managed to issue a chargesheet to him in order to save himself. He further alleges that the E.O. was biased against him in as much as it was he who had drafted the chargesheet. Not only that, the E.O. did not conduct the inquiry fairly and properly in accordance with the principles of natural justice. During the inquiry the management exa-

mined hand writing expert but E.O. turned down his request to engage a lawyer or a qualified person for his cross examination. Further without recording his statement the E.O. cross examined him. In fact no proper opportunity was given to him by the E.O. to defend himself. It is then alleged by him that the findings given by the E.O. are perverse.

4. The management in their written statement have refuted all the pleas on which the workman has challenged the order of punishment. According to the management the chargesheet was specific and clear. It gave all details about the misconduct of the workman. The E.O. conducted the inquiry fairly and properly in accordance with the principles of natural justice. He was not at all biased towards the workman. It is absolutely wrong on the part of the workman to say that his statement was not recorded during the inquiry. In fact the workman had requested the E.O. that his statement dated 22-4-82 be kept on record and as such the same was kept on record and marked Ext. E-3. He was given fair and reasonable opportunity to defend himself at the inquiry. The hand writing expert examined by the management was duly cross examined by the defence representative who was an experienced person having defended the workmen in more than 200 inquiries. The management have also raised a legal plea to the effect that the reference order suffers from an inherent defect in as much as it did not mention the date of dismissal from service of the workman.

5. In his rejoinder the workman says that non-mentioning of date of dismissal is in no way fatal so far as the reference order is concerned.

6. On 3-9-90, the following preliminary issue were framed in the case.

1. Whether the departmental inquiry was not conducted fairly and properly as alleged by the workman ?
2. Whether the findings as confirmed by the disciplinary authority perverse.

It was also submitted before the court by the authorised representative of the parties that documents filed by the workman with the list of documents dated 11-4-90 and then filed by the management concerning disciplinary proceedings to be treated as documents pertaining to the departmental inquiry and they should be read in evidence as far as they were relevant for the disposal of the above two issues and on any other issue that might further arise in the case for its disposal.

Issue No. 2 :

7. It has been argued by the authorised representative for the workman that the findings recorded by the E.O. and confirmed by the disciplinary authority and the appellate authority in appeal is perverse. It is not based on evidence. On the other hand Sardar Amreek Singh, the authorised representative for the management has argued that there is absolutely no perversity, the findings is based on evidence and circumstances.

8. I have gone through the documents filed by the parties in connection with the inquiry proceedings and

find force in the submissions made by the authorised representative of the workman. From the proceeding of inquiry dated nil the E.O. furnished the list of documents and witnesses to be relied upon by the management at the inquiry. He named 7 witnesses and out of them six were examined. The 7th witness Shri A. K. Puthia Clerk could not be examined in view of the objection raised by the defence representative against his production as witness.

9. First of all I would refer to the statement of M.W. 5 Mohd Mohiuddin, Accountant. The statement was recorded by the E.O. on 25-6-84. In examination in chief he has deposed that on 20-6-81, a requisition letter to issue a cheque book by account holder Sardar Hussain was received and as supervisor of section after verifying the specimen signatures he issued a cheque book to the bearer of the letter on 22-6-81 one cheque (Ext. M-7) was presented bearing token no. 37, for Rs. 6800. There were two signatures on the cheque on the front side of the account holder. After verifying the cheque i.e. whether it was in order he had passed the cheque. Who presented the cheque for encashment he does not remember. However Sardar Hussain account holder came to the branch and informed him that he had not received any cheque book nor drawn any amount on 22-6-81. Regarding issue of tokens he has said in his examination in chief that they are issued by Section Clerk and during rush hours supervisor also issue a token.

10. Another important fact stated by him is that during investigation conducted by M.W. 6 Shri P. Arvinda Rao he appeared before him and gave the statement marked Ext. M8. The photostat copy of Ext. M.8 has been find by the workman. It shows that before the investigation officer he has made the statement that the cheque in question was bearing two signatures of a drawer at the time of presentation. He compared the signatures with the specimen and convinced about the same. However, he insisted the signatures of the presenter in his presence and accordingly one more signature was obtained by him. The signatures of the presenter in capital letters did not arouse any suspicion as many of our customers signatures in capital letter. Before the E.O. during his cross examination he was confronted with the above statement Ext. M8. He admitted that the statement Ext. M-8 made by him was true and correct. After that the defence representative put to him the following questions :—

1. In your deposition you have admitted that you do not remember the person who had presented the cheque M-2 whereas in your statement M.8 you have mentioned that you insisted for the signatures of the presenter in your presence. Accordingly one more signature was obtained can you tell me which of these statements is correct ?

Ans. : I do not remember now.

11. Now let us have a look at the cheque. The photostat copy of the cheque marked Ext. M.2 has been filed by the workman. The cheque is dated 22nd June 1981 and is for Rs. 6800. On the back of the cheque two signatures of a person named ANWAR appear in capital letters. The charges that on investi-

gation into the matter it has been revealed that cheque requisition letter purported to have been sent by Shri Sardar Hussain was presented/caused to be presented over the counter by you and accordingly you unauthorisedly got/caused the cheque book issued on account of party's SB 1634. From the above said cheque book you presented/caused the cheque no. 945932 dated 22-6-81 for Rs. 6800 favouring self presented and forged/caused the signatures of account holder forged on the said cheque and thereby fraudulently obtained/caused the payment of Rs. 6800 from the SB account 1634 of Shri Sardar Hussain.

12. I fail to understand how in the light of statement of Mohd. Mohiuddin, Accountant it can be said that the charge against the workman stand proved. The Accountant has admitted that the cheque book was issued by him after verifying the signatures the account holder with the specimen signatures of his. He has also stated that before passing the cheque he convinced himself about the genuiness of the signatures of the account holder on the cheque. For his satisfaction he obtained signatures of the presenter on the back of the cheque before him. Had the presenter been the workman he would have certainly known that the presenter was not Shri Anwar but Shri Karan Singh who had fraudulently presented the cheque for enhancement.

13. M.W.1 Shri Jaspal Singh who passed the cheque Ext. M.2 has deposed in his cross examination that for a new account or for which cheque book is not issued earlier letter is taken from the party. Otherwise a cheque requisition slip is taken. The same is received by the Clerk and given to the Officer who verifies the signatures and authorises the issue of the cheque book. Thereafter the Clerk makes an entry in the cheque book issue register in which the signatures of the party is taken after verifying signatures. Then the officer given the cheque book to the cashier. Regarding the cheque book in question he has deposed in his cross examination before the E.O. that Mohd. Mohiuddin had issued the cheque book. Another important statement made by him towards the end of his cross examination is that when he came back to his seat he found he cheque Ext. M2 lying there. It was Mohd. Mohiuddin who had asked him to pass the cheque. It appears to me that the whole of the responsibility has been shifted on the shoulders of the workman simply on the basis of this much evidence of the employees of the bank that the writing T-37 on the cheque in question is in the hand writing of the workman. Further there is the report of the Hand Writing Expert that the signatures made as Anwar at two places on the back of the cheque are in the hand writing of the workman. Although the workman had not denied that the writing T-37 is in his hand, let us take it for the sake of arguments that it is his handwriting. Even this much, in my view, will not be sufficient to fosten any liability in respect of withdrawal of the amount on the workman. Ext. M-1 is the copy of statement of Mr. Jagpal Singh made before the Investigating Officer. Like Mohd. Mohiuddin Accountant he also stated before Investigating Officer that some time if there was heavy rush tokens would be issued by the superiors. Occasionally tokens were being issued by other employees also. So it was not a new thing in respect of issue of the

token. But this was not enough for making payment of the cheque by the bank. The signatures of the drawer were to be tallied with the specimen signatures and in the instant case Mohd. Mohiuddin tallied the signatures of the account holder with his specimen signatures and felt himself convinced about the genuineness of the signatures. Further for his satisfaction he contained the signatures of the presenter who had signed it as Anwar on the back of the cheque once more in his presence.

Much reliance cannot be placed on the evidence of the handwriting expert. It is settled law that it is a weak type of evidence. It is so because the handwriting expert simply examines the specimen signatures with the disputed writing. He is not familiar with the signatures and writing of the person and writing and signatures which in dispute. Mohd. Mohiuddin says that the second signatures of Anwar on the back of the cheque was made by the presenter of the cheque before him so the question of that signatures being in the handwriting of the workman does not arise at all. If Karan Singh had made the second signatures as Anwar before Mohd. Mohiuddin he would have been at once caught by Mohd. Mohiuddin and the fraud would have come to the notice of every body there and then. The two signatures on the back of the cheque appear to be one and the same person. Therefore, I am not prepared to place any reliance on the evidence of the handwriting expert who seems to have given his report in favour of the management simply because he had been paid for examination of the disputed writing with the admitted writing by the management.

15. Here it will be important to mention that during examination before the E.O. the employees of the bank who prove the writing T-37 as in the handwriting of the workman do not say a single word about the writing of the signatures appearing in the capital letters on the back of the cheque. They would have been the best person to depose about the writing. These two employees of the bank are M.W. 3 Shri K. C. Holla and M.W. 4 Shri K. Dhannashekharan. Further at the inquiry the account holder Sardar Hussain has not been produced to corroborate the case set up by the management that he did not receive the cheque book nor had he issued the cheque in question. It appears to me that in order to save his skin Mr. Mohiuddin has tried to shift the responsibility from his shoulder to the shoulder of the workman who was found an easy escape goat for it simply because of the fact that he had issued the token. Hence, I find that the finding given by the E.O. and confirmed later on by the disciplinary authority and appellate authority is perverse being not based on evidence. Further if the management feel that the fraud had been committed due to GROSS NEGLIGENCE OF MOHD. MOHIUDDIN, they may hold an inquiry against him according to the procedure laid down by law.

Issue No. 1 :

16. On this issue I find that the inquiry was not conducted fairly and properly by the E.O. On the very first date of hearing when the workman and his defence representatives were informed that the man-

agement would be examining Shri Ashok Kashyap Hand Writing Expert, a prayer was made on behalf of the workman that the workman should be permitted to be assisted by the lawyer and for cross examining Shri Ashok Kashyap a person with material qualification. The request was refused by the E.O. On 25-6-84, the management examined Shri Ashok Kashyap Hand Writing Expert. A request was made on behalf of the workman for cross examining him by a lawyer. The request was again turned down by the E.O. The defence representative, in inquiry proceeding where a handwriting expert is examined by the management, would certainly feel handicapped if permission is not granted to the workman for his cross examination through another handwriting expert when a request has been specifically made in this regard. After considering the complicated facts of the case I am of the view that the E.O. should have granted the permission to the workman for engaging the handwriting expert for cross examining the handwriting expert examined by the management. There is another legal flaw in this case. Ext. W.3 is the copy of finding dated 26-11-84 given by the E.O. Towards the end of his inquiry report, he writes that on the quantum of punishment to be imposed he recommended the punishment of dismissal from the service of the bank. It appears that regarding the punishment to be recommended by him he issued a show cause notice to the workman and after hearing him confirmed his recommendation about the proposed punishment. By means of his report dt. 31-1-85, copy Ext. W-5. Towards the end he writes that taking into account all the factors he does not see any reason for reducing any punishment proposed by him. Thereafter the matter came up before the disciplinary authority. On 31-7-85, the disciplinary authority without issuing any show cause notice about the proposed punishment to the workman, agreeing with the finding of the E.O. and the recommendations made by him regarding the punishment to be awarded, imposed upon the workman the punishment of dismissal from service to be affected from the date of its service on the workman. Here again I do not agree with the procedure followed by the disciplinary authority. It was for the disciplinary authority to have made up its mind about the punishment proposed to be inflicted on the workman and then had issued a show cause notice in this regard to the workman. This procedure having not been adopted it cannot be held that the inquiry was conducted fairly and properly. The function of the disciplinary authority appear to have been taken over by the E.O. Hence it is held that the departmental inquiry was not conducted fairly and properly in accordance with the principles of natural justice. It is a case where the findings on the above two preliminary issues are sufficient to dispose of the reference. The whole of the evidence which the management could possibly lead was adduced by the management before the E.O. Therefore no useful purpose would be served by giving a fresh opportunity to the management to prove the charges as has been prayed in para 45 of the W.S.

17. Hence, it is held that the action of the Canara Bank in dismissing Shri Karan Singh from service of the bank is neither legal nor justified. The workman

is therefore entitled to his reinstatement in service on his furnishing an affidavit to the effect that he was not gainfully employed during the period he remained out of service of the bank. The workman's reinstatement is with full back wages and all consequential benefits.

18. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

[No. L-12012/47/88-DII(A)]

का.आ. 3226:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-91 को प्राप्त हुआ था।

S.O. 3226.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Mgt. of Punjab National Bank and their workmen, which was received by the Central Government on the 5-12-91.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT PANDU NAGAR KANPUR

Industrial Dispute No. 177 of 1988

In the matter of dispute between :

The State President Punjab National Bank Employees Union 123/28/10 Krishnapuri, Rajpur Road Dehradun.

AND

The Regional Manager Punjab National Bank Saharanpur.

AWARD

1. The Central Government, Ministry of Labour, vide its notification no. L-12012/49/89/D. 2(A) dt. 26-7-89 has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Punjab National Bank in denying payment of 1/3rd scale wage to Shri Srawan Kumar, Part Time Sweeper w.c.f. 1-9-1984 instad 1-11-1989 is justified? If not to what relief is the workman entitled:

2. In this case the parties have filed settlement on 30-9-91. The terms of the settlement are—

1. That the Union shall forego its claim of arrears of difference of wages from 1-9-1984 to 31-10-85 (14 months).

2. That the management agree to pay the difference of wages to the employees from 1-11-85 to 31-10-87 (24 months).

3. That this will be full and final settlement of the claim and the matter shall not be taken by any party to any court in any way henceforth.

4. That this settlement shall be filed before the Tribunal with the request by both the parties to pass a consent award therein and the arrears shall be paid to the workman within 30 days from the date of receipt of award of the Tribunal.

3. Therefore in view of the above the reference is answered accordingly.

ARJAN DEV, Presiding Officer

[No. L-12012/49/89-DII(A)]

का.आ. 3227:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कनरा बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-91 को प्राप्त हुआ था।

S.O. 3227.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Mgt. of Canara Bank and their workmen, which was received by the Central Government on the 5-12-1991.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL PANDU NAGAR KANPUR

Industrial Dispute No. 286 of 1989

In the matter of dispute between :

Shri P K Mishra 23/74 Patkapur Kanpur.

AND

The Assistant General Manager, Canara Bank, Marsha House, Parliament Street, New Delhi.

AWARD

1. The Central Government, Ministry of Labour, vide its notification no. L-12012/312/89-D.2(A) dt. 7-11-89, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Canara Bank in dismissing from service Shri P K Mishra was justified? If not, to what relief is the workman entitled?

2. The admitted facts of the case are that in May 1984, the workman was posted as Cashier cum Go-down Keeper at Cycle Market Aminabad Branch Lucknow of the erstwhile Lakshmi Commercial Bank. In respect of an incident dated 1-5-84, the management of the bank suspended him and the workman was served with chargesheet dated 15-9-87, copy Ext. W. 1 issued by the Deputy General Manager Circle Office (South), Delhi. The sum and substance of the facts on which he was served chargesheet were that on 1-5-84 at about 3 p.m. the workman absented himself at about 3 p.m. and did not turn up till the closing hours of the bank. On that day he was entrusted with cash duties and was working at the receipt counter. At about 9.15 p.m. the lock of the cash-cabin was broken and a number of irregularities in respect of cash and other discrepancies were observed. The side window of the cash cabin was found unbolted from inside and the cash drawer was unlocked. An unaccounted sum of Rs. 788.50 paisa was also found. A credit voucher for Rs. 1500 was found entered in the log book as one for Rs. 25 only. Besides 7 vouchers were found not bearing cash receipt seal despite the amounts of the said vouchers having been received by him. Further it came to the notice of the branch manager that one Shri Ajai Kumar had remitted Rs. 33,800 in cash along-with 4 D.D. Requisition slips total amounted to Rs. 33754. The said amount was received by the workman and he had given counter foils to the said Shri Ajai Kumar for having received the amount. However the amount received by the workman was not accounted for by him in the books of the bank. He was thus found to have misappropriated the said amount. On these facts he was charged as under—

You therefore, on 1-5-84, without closing the cash, handing it over to the Head Cashier and without seeking any permission to leave the office had mischievously slipped away from the branch with an ulterior motive. You have been found gross negligent in discharging your duties, thereby exposing the bank to a serious loss.

By your above act of non accounting of money tendered by the customer in the books of the bank and misappropriating the same, you have defrauded the customer/bank which amounts to causing damage to the property of the bank, thereby you have committed a gross misconduct within the meaning of Chapter XIX, Regulation 19.5 Clause (d) of Bipartite Settlement.

Your above acts being prejudicial to the interests of the bank, you have committed a gross misconduct within the meaning of Chapter XIX, Regulation 19.5 Clause (j) of Bipartite Settlement.

In respect of the alleged misappropriation of money Shri Ajai Kumar lodged an F.I.R. at P.S. Aminabad Lucknow on 1-5-1984 and subsequently on 7-5-84 the Manager of the Branch also lodged an F.I.R. in respect of the above to 2 charges against the workman at the said police station. The copy of the F.I.R. lodged by the manager is Ext. M. 10. On

the F.I.R. of Shri Ajai Kumar a criminal case was registered and a trial under sec. 408 I.P.C. started against the workman in the court of Chief Judicial Magistrate, Lucknow. The said trial was pending on 15-9-88 vide information given by the court on the application (Parcha Talash) made by the workman. I may state here that during the course of arguments Shri B. P. Saxena, the authorised representative for the workman has stated that the criminal trial is still pending in the court of Chief Judicial Magistrate Lucknow.

However, during the pendency of criminal trial the management initiated disciplinary proceedings. During the inquiry proceedings the workman pleaded before the inquiry officer for postponing the inquiry but in vain. He even filed a writ petition no. 6841 of 1988 before the Hon'ble High Court of Judicature at Allahabad, Lucknow bench, but since the inquiry had concluded ex parte against the workman before any stay order could be passed, the writ petition was dismissed as infructuous on 11-6-89 vide copy of order Ext. W.6.

3. The inquiry was conducted by Shri V. K. Garg, an officer of the bank. He gave his finding, copy Ext. M. 7, on 7-11-1988. He held the two charges as proved. He then issued a notice to the workman to show cause why the punishment of dismissal from service under Regulation 4(g) of Chapter XI of Canara Bank Service Code be not recommended to the Disciplinary Officer for being imposed on him. Thereafter vide his order dt. 24-11-88, copy Ext. M.8. He upheld the show cause notice and recommended to the disciplinary authority for awarding the said punishment to the workman. The Dy. General Manager who happened to be the disciplinary authority vide his order dt. 10-12-1988 copy Ext. M. 9, while agreeing with findings given by the E.O. accepted the proposed punishment and ordered the dismissal of workman from service under para 19.6(a) of the First Bipartite Settlement.

4. The workman has assailed the order dt. 10-12-88, passed by the disciplinary authority on a number of grounds. Firstly he has alleged that as the criminal case was pending in the court of CGJ, Lucknow, in view of the provision, of para 19.3 of the Bipartite Settlement, the management should not have proceeded with the inquiry. The second ground taken up him is that the inquiry was not conducted by the E.O. in accordance with the principles of natural justice. He has, therefore, prayed for him reinstatement with full back wages and all consequential benefits.

5. The case is contested by the management of Canara Bank with which the erstwhile Lakshmi Commercial Bank was amalgamated. The management plead that the police did not file any charge sheet in the court of CJM Lucknow on the basis of FIR lodged by the bank nor any case was registered on Bank's FIR in the court of C. J. M. Lucknow. As such the management was within their right to initiate disciplinary proceedings against the workman. The criminal case under sec. 408 I.P.C. as far as the management know was started on the basis of FIR lodged by Shri Ajai Kumar. The charge was framed in the criminal

nal case on 25-9-1985 and it was amended in 1987. The management deny that during the inquiry proceedings principles of natural justice and fair play were not observed. In fact the workman himself adopted delaying tactics during the inquiry.

6. In his rejoinder the workman alleges that the second F.I.R. which was lodged by the bank after six days would be deemed to have been tagged with the F.I.R. which was lodged by Shri Ajai Kumar earlier. Moreover, Shri Ajai Kumar had lodged F.I.R. at the instance of the bank.

7. The workman has also alleged that after the conclusion of the inquiry the E.O. himself gave a notice to the workman regarding the proposed punishment. The E.O. thus exceeded his authority and took upon himself the job which was supposed to be performed by the Disciplinary Authority. On this count also the order of his dismissal from service is liable to be quashed.

8. On 3-9-1991, the authorised representative for the workman examined one Shri Nikal Kumar Misra on behalf of the workman. Thereafter the same very day the parties authorised representative gave a statement before the court to the effect that since only a legal issue was involved in the case, both the sides had not to examine any witness. After the evidence of the parties was closed, date for hearing arguments was fixed. The case came up for hearing arguments on 15-11-1991, on the said that Shri B. P. Saxena appeared for the workman but none appeared for the management. The arguments were concluded and the case was reserved for giving of award.

9. Para 19.3 (a) lays down that when in the opinion of the management an employee has committed an offence, unless he be otherwise prosecuted, the bank may take steps to prosecute him or get him prosecuted and in such a case he may also be suspended. Para 19.4 of the 1st Bipartite Settlement lays down that if after steps have been taken to prosecute an employee or to get him prosecuted, for an offence he is not put on trial within one year of the commission of the offence, the management may deal with him as if he had committed an act of 'Gross Misconduct' or of 'Minor Misconduct' as defined in para 19.5 and para 19.7 of the bipartite settlement. There is a proviso to the effect that if the authority which was to start prosecution proceedings refuses to do so or come to the conclusion that there is no case for prosecution, it shall be open to the management to proceed against the employee under para 19.11 and 19.12 of the Bipartite Settlement. It is further laid down in this para that if within the pendency of the proceedings thus instituted he is put on trial such proceedings shall be stayed pending the completion of the trial after which the provisions of para 19.3 shall apply. The expression 'Offence' has been defined in para 19.2 as meaning any offence involving moral turpitude for which an employee is liable to conviction and sentence under any provisions of law.

10. From the above provisions it thus comes out that in respect of an offence alleged to have been committed by an employee, the bank could prosecute him or get him prosecuted and in such an event the bank has all the powers to suspend him also. In the event of such a step having been taken by the bank,

the bank can initiate disciplinary proceedings only after the employee is not put on trial within a year of the commission of the offence or if the prosecution agency refuses to take any action against the employee on the ground that there was no case for prosecution of the employee.

11. In the instant case according to the management, the workman neglected his duties by leaving his cabin unattended in which were kept valuable documents and misappropriated the amount deposited by Shri Ajai Kumar with the workman on 1-5-85. It is not disputed that in respect of the alleged misappropriation of money an F.I.R. was lodged by Shri Ajai Kumar and in respect of both the incident of 1-5-85, the Branch Manager lodged another F.I.R. on 7-5-85. Ext. M. 10 is the copy of F.I.R. that was lodged by the Branch Manager against the workman. The copy of the F.I.R. that was lodged by Shri Ajai Kumar earlier against the workman has not been filed by either side. However it is admitted to the management in para (3) of the written statement that the criminal case pending in the court of Chief Judicial Magistrate Lucknow has arisen out of the F.I.R. that was lodged by Shri Ajai Kumar at the police station against the workman. From the facts narrated in the chargesheet, copy Ext. W. 1, and the F.I.R. dated 7-5-85 copy Ext. M. 10 and also from the section of the I.P.C. under which charge was framed by C.J.M. Lucknow it can be safely inferred that the F.I.R. that was lodged by Shri Ajai Kumar was with regard to the misappropriation of the money by the workman.

12. The sole question is whether in the circumstances stated above, the management should or should not have withheld the disciplinary proceedings till the final disposal of the criminal case.

13. The main contention of the management, as it appears from para 3 of the written statement is that the two F.I.Rs were separate and that it was only on the F.I.R. of Shri Ajai Kumar that chargesheet was given and the criminal trial started against the workman. Since no action was taken by the police of P.S. Aminabad, against the workman on the F.I.R. lodged by the bank, the management were free to initiate disciplinary proceedings against the workman.

14. On the other hand, from the side of the workman it has been argued by his authorised representative that by implication the trial would be deemed to have started even on the basis of F.I.R. lodged by the bank which also refer to the alleged misappropriation of money deposited by Shri Ajai Kumar. The police was not to start an independent investigation on the F.I.R. of the bank as the facts constituting cognizable offence narrated in the two F.I.Rs were almost the same. It would be deemed that the F.I.R. lodged by the bank was tagged by the police with the F.I.R. lodged by Shri Ajai Kumar.

15. Although the case diary of the investigation officer is not before the Tribunal and even could not have been produced by the parties at the trial, it being a confidential document, looking to the similarity of the facts constituting cognizable offence in the 2 F.I.Rs it will be deemed in law that the criminal case against workman was started on the basis of charge-

sheet given by the police on the basis of these two FIRs. Subsequent FIR was bound to be tagged with the earlier similar F.I.R. I agree with the submissions of Shri Saxena that charge no. 1 as contained in the chargesheet dated 15-9-87 does not amount any cognizable offence.

16. In view of what has been said by me above it was not open for the management to have initiated disciplinary proceedings in respect of the second charge pertaining to the alleged misappropriation of money of Shri Ajai Kumar by the workman. The management if they wanted could have initiated disciplinary proceedings in respect of the first charge and could initiate disciplinary proceedings in respect of the second charge after the conclusion of the criminal trial. The management was thus not justified in initiating the disciplinary proceedings against the workman during the pendency of criminal trial under sec-408 I.P.C. against the workman. There is no doubt that the two charges are independent of each other. I would have examined the legality of the disciplinary proceedings in respect of the first charge but a difficulty has come in the way. The E.O. did not recommend separate punishments in respect of each of the two charges. He took up the two charges together and recommended to the disciplinary authority the punishment of dismissal from service. Even the disciplinary authority did not prescribe separate punishments in respect of each charge. Therefore, the order passed by the disciplinary authority cannot be upheld as a whole.

17. Moreover, in this case the functions of the disciplinary authority as to issuing a show cause notice to the workman about the proposed punishment were taken by the E.O. upon himself. This was illegal. If the disciplinary authority had agreed with the findings of the E.O. it was for him to have proposed the punishment and issued a show cause notice in this regard to the workman. So here again an illegality was committed by the management.

18. For the reasons given above the order of punishment passed by the disciplinary authority dismissing the workman from service is held as illegal and void, and initiation of the disciplinary proceedings against the workman on two charges jointly as incompetent. At the most the Disciplinary Authority could have initiated disciplinary proceedings against the workman in respect of the first charge for which no chargesheet was given by the police in the court and in respect of which no criminal trial is pending against the workman.

20. The question which would arise is as to what relief would be granted to the workman. It is not disputed by Shri Saxena, the authorised representative for the workman that the workman was under suspension at the time of passing of order of dismissal from service of chargesheet dt. 15-9-1987. This is also evident from the chargesheet dt. 15-9-87. It therefore means that in view of the above findings status quo ante is restored, that is to say, the workman will be deemed to be still under suspension.

21. Hence, he cannot be granted the relief of reinstatement nor payment of back wages with all consequences. 3247 GI/91-16

quential benefits which have sought by him in this case. Under para 19.3 of the First Bipartite Settlement in the case of Commission of an offence, the management has the right to suspend the workman. Since the trial has not concluded he will remain under suspension unless otherwise ordered by the management. It has thus proved to be a futile exercise on the part of the workman.

22. Reference is decided accordingly.

ARJAN DEV, Presiding Officer

[No. L-12012/312/89-DII(A)]

का.ग्रा. 3228 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-91 को प्राप्त हुआ था।

S.O. 3228.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Mgt of Vijaya Bank and their workmen, which was received by the Central Government on the 5-12-91.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT PANDU NAGAR KANPUR

Industrial Dispute No 88 of 1987

In the matter of dispute between :

Shri J. S. Sinha
C/o Shri P. N. Tewari
165 Sohbatiya Bagh
Allahabad

AND

The Divisional Manager
Vijaya Bank
Divisional Officer
23 Vidhan Sabha Marg
Lucknow.

AWARD :

1. The Central Government, Ministry of Labour, vide its notification no. L-12012/17/87-D.IV(A) dated 17-7-87, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Vijaya Bank in respect of their Beli Road Branch Allahabad in dismissing Shri J. S. Sinha Clerk from service w.e.f. 31-12-85 is legal & justified? If not to what relief the workman concerned is entitled?

2. The admitted facts of the case are that while the workman was posted as clerk at Banks Beli Road Allahabad Branch, he was served with a chargesheet dated 31-3-82. The charges were—

1. Gross negligence in handling cash resulting in a shortage of Rs. 1,000/- on 1-10-1981, amounting to gross misconduct within the meaning of Sub-clause (j) of Clause 19.5 of the Bipartite Settlement.
2. Shouting at and abusing the higher authorities at the branch and also making false accusations against the Accountant, which constitute insubordination, and also riotous and indecent behaviour, which amount to gross misconduct within the meaning of Sub-clause (c) and (e) of Clause 19.5 of the Bipartite Settlement.
3. Failure to safeguard the interest of the Bank by observing the prescribed rules and procedure and allowing an outsider to sit inside the cash cabin during office hours which amounts to minor misconduct within the meaning of Sub-clause (d) of Clause 19.7 of the Bipartite Settlement.
4. Failure to render proper service to the customers on 5-10-1981 and thus slowing down in performance of work amounting to misconduct under Sub-clauses (g) & (j) of Clause 19.5 of the Bipartite Settlement.
5. Failure to carry out your duties properly and diligently and misappropriating the amount of Rs. 120/- without accounting the same on 18-6-1981 amounting to gross misconduct under Sub-clause (i) of Clause 19.5 of the Bipartite Settlement.

Shri K. Rajagopal, an officer of the bank held inquiry into the above charges. He gave his finding on 22-7-85. He held all the charges as proved against the workman. The Disciplinary Authority agreed with the findings and issued to the workman a show cause notice dated 13-8-85 about the proposed punishment. After considering the representation made by the workman against the proposed punishment, he confirmed the said notice and awarded him the punishment as proposed by him in the show cause notice vide his order dt. 31-12-85. The punishments were—

- | Charge | Punishment |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| 1. Gross negligence in handling cash resulting in shortage of Rs. 1,000/- on 1-10-91 | Stoppage of two increments permanently. |
| 2. Shouting at and abusing higher authorities at the branch and without making false accusation against the accountant. | Dismissal without notice. |

3. Allowing an outsider to sit inside the cash cabin during office hours and failing to safeguard the interest of the bank.
4. Failure to render proper service to the customers on 5-10-81 and thus showing down in the performance of work
5. Failure to carry out his duties properly and diligently and misappropriating the amount of Rs. 120/-

Stoppage of on increment for six months.

Stoppage of two increments permanently.

Dismissal without notice.

Against the order of punishment the workman filed an appeal which was dismissed by the Chairman cum Managing Director vide his order dt. 2-5-86.

3. The workman has assailed the order of punishment on a number of grounds. He contends that the appointment of the E.O. and the Disciplinary Authority and Appellate Authority was neither proper nor legal. They had acted without jurisdiction and without proper delegation of powers. He further contends that E.O. did not conduct the inquiry fairly and properly in accordance with the principles of natural justice. The E.O. was biased against him. The findings given by the R.O. are perverse being not based on legal evidence. He has also contended that the punishment awarded to him is very harsh and highly excessive. He has, therefore, prayed that the order of punishment dated 31-12-85 be declared as illegal. He has further prayed that he be reinstated in service with full back wages and all other consequential benefits.

4. The management on the other hand have contended that the R.O., Disciplinary Authority and the Appellate Authority were lawfully appointed. There was no illegality in their appointment. The management further plead that the inquiry was conducted fairly and properly in accordance with the principles of natural justice by the E.O. The E.O. was not at all biased against the workman. His findings were based on evidence and were sound in all respects. Lastly, the management plead that it cannot be said that the punishment awarded to the workman is in any way very harsh, highly excessive or disproportionate to the gravity of the charges. On 19-9-89, the following preliminary issue was framed in the case.

Whether the departmental inquiry was not conducted properly and fairly?

5. In support of his case, the workman filed his affidavit evidence and his cross examination was conducted on 2-5-90. Thereafter, the management filed the affidavit evidence on 26-12-90. The affidavit was of Shri A. C. Shivakumara Swami, Senior Manager. But on 31-5-91, which was the date fixed for the cross examination of the management witness, the workman moved an application with the prayer that he did not press the preliminary issue and that he would simply argue the case on the quantum of punishment.

6. On the said application the case was fixed for hearing of arguments. On the quantum of punishment the authorised representative for the workman has made a few submissions. He submits that there were 5 charges against the workman and all the said charges were held as proved by the E.O. The findings given by the E.O. were upheld by the disciplinary authority and even by the appellate authority. The Disciplinary Authority awarded the following punishment in respect of charges proved—

Charges	Punishment
1. Gross negligence in handling cash resulting in shortage of Rs. 1,000/- on 1-10-81.	Stoppage of two increments permanently.
2. Shouting at and abusing higher authorities at the branch and making false accusation against the accountant.	Dismissal without notice.
3. Allowing an outsider to sit inside the cash cabin during office hours and failing to safeguard the interest of the bank.	Stoppage of one increment permanently.
4. Failure to render proper service to the customers on 5-10-81 and thus slowing down the performance of work.	Stoppage of two increments permanently.
5. Failure to carry out his duties properly and diligently and misappropriating the amount of Rs. 120/-	Dismissal without notice.

After summing up the disciplinary authority awarded the punishment of dismissal of the workman.

6. Sh. K. N. Soni, the authorised representative for the workman has then submitted that from the chargesheet in which the charges are preceded by statement of facts it will be evident that Rs. 1000 which were found short on 1-10-81 were made good by the workman on 14-10-81 and Rs. 120 which were found short on 18-6-81 were made good by the workman on 19-6-81. Thus it will be clear that there was no intention of misappropriating the two amounts by the workman. It was simply a mistake in the accounts.

7. On charge no. 2 Sh. Soni submits that the punishment of dismissal from service without notice awarded by the disciplinary authority is shockingly disproportionate to the gravity of the charge. It is highly excessive. In respect of such a charge such a punishment cannot be awarded as will be evident from the law laid down by the Hon'ble Supreme Court. In this connection he has referred to two Rulings which are (1) Ramakant Mishra Versus State of U.P. and others 1983 SCC (L & S) 26 and (2) Ved' Prakash Gupta Versus M/s Delton Cable India (P) Ltd. 1984 SCC (L & S) 281.

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8. In the first case, the workman who was an office bearer of the worker's Union, owing to some deductions made from his wages became enlarged and used some indiscrete indelcent and threatening language to his superior officers. By then he had put in 14 years of unblemished service. It was held that mere use of such language on one occasion unconnected with any subsequent positive action and not preceded by any blameworthy conduct during the long years of service cannot permit an extreme penalty of dismissal from service.

9. In the second case the workman was found to have used filthy derogative and abusive language against co-workers. In that case also the punishment of dismissal from service was held as shockingly disproportionate to the charge framed against him.

10. I may state here that in the first case, the punishment of dismissal from service was substituted by stoppage of 2 increments and in the second case the order of punishment was set aside as a whole and the workman was reinstated in service with full back wages as it was also found that the E.O. had not acted properly in the proceedings and had not given full opportunity to the workman as required by law.

11. From the side of the management it has been argued by Shri Sachdeva that the conduct of the workman calls for severe punishment for otherwise it would be difficult to maintain discipline in an industrial establishment.

12. After going through the facts of the two Rulings and after considering the language used by the workman on 1-10-81 and 3-10-81, I am of the view that in view of the law laid down by the Hon'ble Supreme Court the extreme penalty of dismissal from service which virtually amounts to economic death cannot be sustained. It will have to be substituted by some suitable punishment in the light of the facts and circumstances of the case. I may state here that it has not been shown to me by the authorised representative for the management that the workman had any no previous adverse remark in his service book. There is no doubt that by then he had put in not more than 4 or 5 years of service.

12. With regard to charge No. 5 Shri Soni had submitted that the punishment of dismissal from service awarded to the workman too cannot be upheld. It is highly disproportionate to the nature of charge. It is seen from the chargesheet that a sum of Rs. 120 which was found short on 18-6-81 was made good by the workman on 19-6-81. Such mistakes do take place quite often in the business involving multiple money transactions. If he were to embezzle money he would not have laid his hand on a small sum of Rs. 120.

13. In support of his contention he has placed reliance on the ruling in the case of Bhagat Ram Versus State of Himachal Pradesh and others 1983 SCC(I&S) 342. It was held by the Hon'ble S.C. that dismissal on a trivial charge of negligence which resulted in no loss to the department is decidedly disproportionate and excessive.

14. I have heard Shri Sachdeva from the side of the management and after hearing him, I find myself in complete agreement with the submissions made by Shri Soni. The charge is certainly a trivial one and it resulted in no loss of money to the department. From the findings given by the E.O. it will be evident that the discrepancy with regard to Rs. 120 was detected on 19-6-81. Hence, the punishment of dismissal from service awarded by the disciplinary authority to the workman cannot be upheld.

15. Next it has been submitted by Shri Soni that the remaining charges are minor in nature. While exercising its jurisdiction/powers under Section 11-A I.D. Act, the Tribunal should set aside the order of dismissal from service and let off the workman with a simple warning and order his reinstatement with full back wages and other consequential benefits.

16. There is no doubt about the fact that under Section 11-A of the Industrial Disputes Act, 1947, the tribunal is invested with the powers to set aside the order of dismissal from service and award suitable punishment. But it is settled law that when a discretion is vested in an authority, the authority must act in good faith regard being had to all relevant circumstances. Such a discretionary powers should not be exercised arbitrarily and capriciously.

17. It will be found from the charge sheet that the workman had used abusing and threatening language to his superiors on two occasions once on 1-10-81 and second time on 3-10-81. On the second occasion he even falsely accused the accountant while checking cash. Further on 1-10-81 he did not assist the officers even when called upon to do so even finding out the missing cash of Rs. 1000. On 30-9-81, the workman permitted an outsider in his cash cabin which was a very indiscreet act on his part. On 5-10-81, he abstained from his duty and did not make payment to the customers of the bank who thereupon raised hue and cry and brought the matter to the notice of the branch manager.

18. In the instant case I do not propose to prescribe punishment for each charge proved against the workman, shall consider the charge cumulatively for the purpose of substituted punishment.

19. As said by me above there is no evidence that prior to these incidence the workman had earned any adverse remark from the management. Undisputedly the workman has already suffered tremendous agony and social humiliation. During the period of 5-1/2 years during which he has been out of service, his family must have come on the verge of starvation. As earlier remarked by me the punishment of dismissal from service virtually amounts to economic death not only for the workman but also for his family. The punishment he must however get as it will be a lesson to him and to those who are like minded. It will be sufficient punishment if while ordering his reinstatement he is denied all his back wages and is awarded the punishment of stoppage of 3 increments permanently falling due after 31-12-85.

20. Hence on the quantum of punishment I set aside the punishment of dismissal from service awarded to

the workman by the management and substitute it by the following punishment—

- (1) He is awarded the punishment of stoppage of 3 increments permanently falling due after 31-12-85 and he denied all the back wages. Subject to the punishment so awarded the workman is reinstated in service.

The reference is answered accordingly.

ARJUN DEV, Presiding Officer

[No. L-12012/17/87-D II(A)]

का.आ. 3229 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इण्डिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-91 को प्राप्त हुआ था।

S.O. 3229.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial dispute between the employers in relation to the Mgt. of Central Bank of India and their workmen, which was received by the Central Government on the 5-12-91.

ANNEXURE

BEFORE SHRI ARJUN DEV PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 90/1990

In the matter of dispute between :
The State President,
Central Bank Workers Organisation,
U.P. 6 P & T Colony,
Agra Cantt.

AND

Regional Manager,
Central Bank of India,
1271 Merry Bazar,
Belanganj Agra.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/224/89-D.2 A dated 21-3-90 has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Central Bank of India in terminating the services of Sh. Pappu Lal peon is justified. If not, to what relief is the workman entitled ?

2. On 3-7-91 an application was moved by the management in which it has been alleged that the

workman has given to the management an authority letter addressed to this tribunal stating therein that he has no complaint against the management. On these facts it was prayed by the management that the dispute be closed. With the application was enclosed the photo copy of the said letter. Upon that a notice was issued to the state president Central Bank Workers Organisation Agra which has raised the dispute to show cause why in view of the said letter of the workman, the case may not be treated as closed.

3. Today despite issue of show cause notice to the State President of the said Union none has put in appearance from the side of the Union nor even the workman has turned up. Today Shri Katariya has filed the original letter dt. nil of the workman addressed to this Court. I have gone through the letter and in the said letter I find stated therein that the

workman has no complaint against the management. Since the Union has not come forward to oppose the management's application, it appears that the Union endorses the prayer made by the workman in his application. Accordingly in view of the said application of the workman and its endorsement by the Union by implication it is held that there is no dispute left between the parties. Accordingly a no dispute award is given in the case.

4. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

No. L-12012/224/89-D II (A)

V. K. VENUGOPALAN, Desk Officer

